

The Oklahoma Health Freedom Act

Last Update: December 14, 2006

THE PEOPLE OF THE STATE OF OKLAHOMA DO INSTRUCT
THE LEGISLATURE TO ENACT AS FOLLOWS:

An act to specify by statute, the inherent right of the public to receive natural healing arts services from freely practicing persons by adding a new section of law to be codified in the Oklahoma Statutes as section 3021 of Title 59, unless there is created a duplication in numbering,

SECTION 1: The Legislature hereby finds and declares the following:

(a) Based upon historic precedent unique to Oklahoma history, and in recognition of extensive research data including that conducted by the Minnesota Department of Health in a report to the Minnesota Legislature, a comprehensive report by the National Institute of Health, a study by the New England Journal of Medicine, and others, it is evident that full public access to a wide variety of unlicensed natural healing arts practitioners remains beneficial to all citizens of any age, ethnicity, religious belief, socioeconomic and other demographic categories.

(b) The Legislature finds that the freely accessed and practiced natural healing arts, which have been available uninterrupted since before Oklahoma statehood, are not harmful to the public's health and safety. These natural healing arts include, but are not limited to: Native American healing, naturopathy, massage therapy, homeopathy, herbology, nutrition, iridology, energetic kinesiology, and the oriental healing arts.

(c) The Legislature finds that the training of many such practitioners has been successfully regulated under the Oklahoma Board of Private Vocational Schools as a vocation or through self-regulated education and such training has shown beneficial to Oklahoma's economy by providing training for skilled jobs and growth of small businesses.

(d) The Legislature intends, by its enactment of this Act, to allow and to protect by the State of Oklahoma, unfettered public access to all non-allopathic healing arts practitioners and services and to protect the unlicensed right to practice and provide these services according to this act.

(d)(1) Notwithstanding any other established law, rule or regulation an individual who does not hold a license, permit, certification, or registration as a health care professional issued by the state of Oklahoma, is not in violation of any health care professional practice act or other law or rule, if that individual or agent provides care or treatment in compliance with this section and, does not falsely represent himself or herself as a licensed practitioner of medicine or other licensed health care professional as currently described in Title 59 or use any title or degree appertaining to the practice thereof.

- (d) (2) A person is considered in compliance with this section for the care or treatment of individuals if they do not:
 - (a) perform surgery or any other procedure that harmfully punctures the skin (excluding acupuncture and finger pricking for screening purposes);
 - (b) set fractures;
 - (c) prescribe or administer X ray radiation;
 - (d) prescribe or administer a prescription drug, a prescription device, or a controlled substance;
 - (e) diagnose and/or treat a mental or physical condition and as a direct result of that service knowingly and willfully cause significant and discernable physical or mental injury; and
 - (f) state, advertise, or otherwise falsely represent to any individual that the person is licensed, certified, or registered to practice as a practitioner of medicine or other health care professional restricted under Title 59 in the State of Oklahoma.

- (d) (3) An individual caring for or treating any individual according to this Section shall, prior to providing the services, disclose to the consumer of these services in a plainly worded written statement:
 - (a) the individual's name, business address, and telephone number;
 - (b) whether or not the individual is a health care practitioner licensed by the State of Oklahoma;
 - (c) the nature of the health care services to be provided.
 - (d) the degrees, training, experience, credentials, or other qualifications, if any, of the individual regarding the care or treatments to be provided.

- (d) (4) Before the individual provides care or treatment for the first time, the provider of services must obtain a signed acknowledgment stating that the individual has agreed to said services or treatments and has been provided with the information required under Subsection(d)(3) (a-d).
 - (a) A person who violates Section (d) (2) of this act is no longer exempt from current laws regarding the unlicensed practice of a health care profession and may be subject to the penalties specified in the relevant practice acts. However, before enforcement proceedings begin regarding Section (d) (3) on disclosure compliance, a notification of education of this act shall be utilized by the State or any State regulatory board and a mediation approach must be utilized by the State to bring the unlicensed practitioner into compliance with this section.
 - (b) This act shall become effective _____