

Rapid Response Evaluation: Non-Appropriated Agencies with Authority Over Professional Licensure

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Key Objectives:

- **Evaluate the public benefits and costs of licensing**
- **Evaluate the volatility of fees charged**
- **Examine agency expenditures and the amount remitted to the State's General Revenue Fund**
- **Conduct a regional comparative analysis of Oklahoma's licensing and fee structure and identify opportunities for increased accountability and license accessibility**

Executive Summary

Every state across the nation licenses certain professionals for the benefit of public safety. In general, licensing boards screen out unqualified practitioners and hold licensees accountable when their actions do not meet industry standards for professionalism or cause harm.

Over the past 11 years, two task forces have reviewed occupational licensing in Oklahoma. The first, created in 2011, was charged with identifying steps necessary for Oklahoma to implement a centralized governmental model for professional licensure. Its report detailed the benefits of other states' "one stop shops" licensing models and proposed a phased approach for implementing something similar in Oklahoma. The 2017 task force focused its work on identifying license requirements that either were an unreasonable barrier to the workforce or not necessary for the health or safety of the public.

Since the most recent task force's report, the Legislature has required creation of a publicly-accessible directory of occupational licenses, recognition of comparable licenses issued by other states for those relocating to Oklahoma, and expanded certain professional licenses to individuals with prior criminal convictions. The Legislature also created an advisory commission to evaluate every occupational license issued in Oklahoma. By the conclusion of the commission's work in 2022, the number of jobs in Oklahoma requiring an occupational license reduced from 504 to 211.

With this evaluation, the Legislative Office of Fiscal Transparency sought to examine the public benefits and costs of occupational licensing and examine both the expenditures and accountability of Oklahoma's licensing boards.

LOFT identified five non-appropriated agencies with licensing authority to review, determined by size of budget and number of licensees:

- Board of Cosmetology and Barbering
- Horse Racing Commission
- Board of Medical Licensure and Regulation
- Board of Nursing, and
- Board of Pharmacy

LOFT first assessed each licensing agency's finances to determine stability of fees and other revenues, key expenditure areas, and remittances to the State's General Revenue Fund. Also examined were each agency's governance structure, number of licensees, and educational requirements. LOFT found fairly consistent expenditures and stable budgets across all agencies reviewed. Additionally, the license fees charged by each agency are at or below the regional average of all states contiguous to Oklahoma.

Financial Assessment

Non-appropriated licensing boards fund their operations with user fees paid by licensees. Fees for three out of the five agencies evaluated are either set or capped by statute. Since 2012, only one of the agencies has had any increase in fees. Of the agencies reviewed, licensing fees comprised between 90 to 99 percent of total revenues, with fines making up the remainder.

With the exception of the Horse Racing Commission, LOFT observed the greatest share of agencies' budgets are spent on employee compensation and administrative expenses, including office leases, professional services such as legal and information technology, and services provided by other State agencies, such as the the Office of Management and Enterprise Services and the Attorney General.

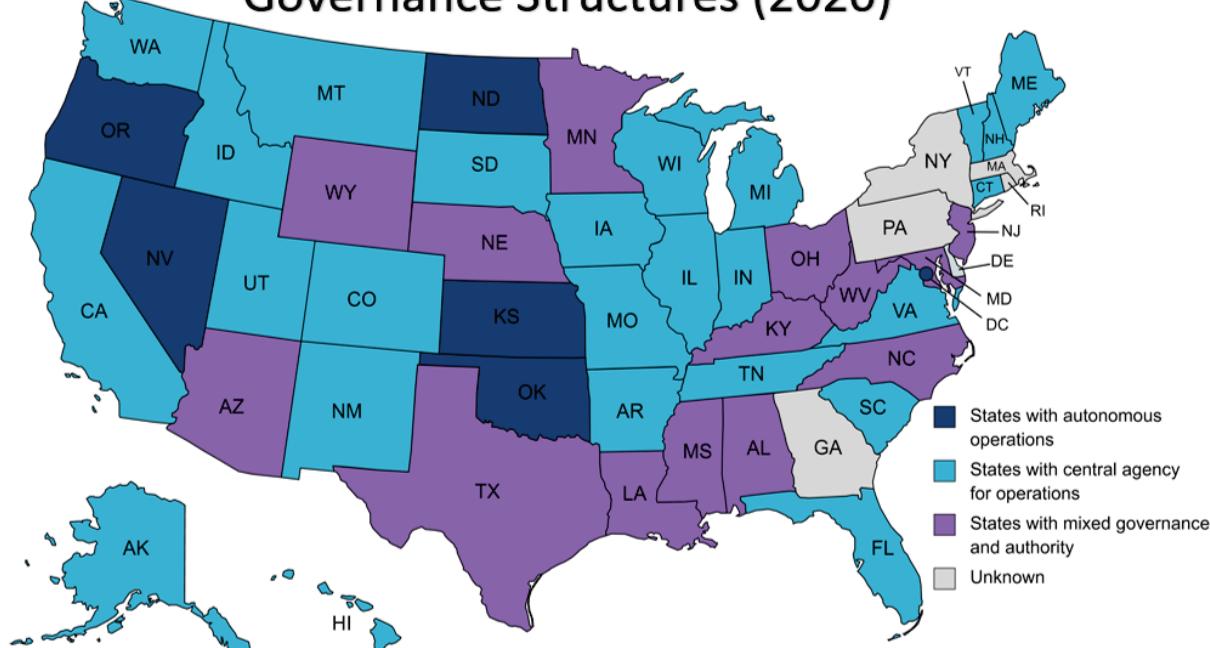
Each of the licensing boards reviewed by LOFT remit to the State's General Revenue Fund 10 percent of gross receipts directly related to licensing, which is the standard remittance amount under statute for most non-appropriated agencies. These funds reimburse the state for intangible benefits licensees receive from the State's authorization and enforcement. While licensing boards are required to follow the same budgetary guidelines as appropriated agencies, there is no formal process for non-appropriated agencies to report carryover or funds in reserve, and neither the State budget office nor the Legislature receives this information annually.

After examining the history, governance structure, types of licenses, and budget for each of the five non-appropriated licensing agencies, LOFT arrived at two key findings:

Finding 1: Oklahoma's Licensing Board Governance Structure Limits Accountability and Oversight

Oklahoma is one of only five states in the nation to operate its occupational licensing boards under a fully autonomous governance structure. LOFT observed limited transparency and oversight with this model.

Professional and Occupational Licensing Governance Structures (2020)



Source: LOFT's analysis based on data from the *Professional and Occupational Regulation: U.S. State Regulatory Structures Report (2020)*, a joint report by the National Conference of State Legislatures (NCSL), the Council of State Governments (CSG), and the National Governors Association Center for Best Practices. (NGA Center)

There are also inherent inefficiencies in a structure that supports 37 independent licensing boards across Oklahoma government, each with its own administration. For example, each of the five licensing boards reviewed leases office space, for a combined expense of more than \$300,000 in annual leasing costs. Additionally, the independent structure does not allow for sharing of resources, such as investigators or other support personnel.

2022 Non-Appropriated Agencies Licensing (and Fine) Revenue				
Cosmetology	Horse Racing	Medical	Nursing	Pharmacy
1,547,098	3,494,899	4,271,487	3,830,479	2,076,687

It is common for Oklahoma's licensing boards to be composed primarily of members who are active practitioners within the industry being regulated. While the insights of licensed professionals is valuable and even necessary for proper regulation, it presents well-documented concerns about the impartiality of the boards, particularly whether access and competition is being unnecessarily limited. Courts have determined the sovereignty of state government exempts it from federal antitrust law, but if licensing boards are controlled by market participants, they must operate under independent oversight. Currently, Oklahoma's structure does not have independent oversight by any single entity or individual. LOFT identified several best practices among states with an "umbrella" agency overseeing licensing that could be adapted for Oklahoma. An example is Virginia, whose model also allows for shared investigators to review consumer complaints.

Finding 2: Oklahoma Can Improve its Licensing Boards' Role in Consumer Protection

Among the public benefits of licensing is ensuring that only those with the necessary training, experience, and skill are legally allowed to practice within certain occupations where a client could be harmed. Each of the five boards reviewed by LOFT have within its mission or purpose statement the goal of protecting public health and safety through the regulation of licensed practitioners. However, while licensing agencies have authority to deny access to unqualified participants, and discipline or revoke licensure of bad actors, they cannot help consumers who have been harmed. Instead, consumers are left to pursue their claims in the courts.

There are opportunities for Oklahoma to implement some form of consumer recourse through its licensing boards. Utah's occupational licensing body has been recognized for its consumer protection functions, which includes a prelitigation section that evaluates the merits of medical malpractice suits. This could serve as a template for Oklahoma to offer consumer protection assistance to harmed clients of all licensed occupations. There are additional options for Oklahoma to leverage the expertise and financial means of licensing boards to help harmed consumers, including creation of a consumer compensation fund, an office of consumer resources dedicated to helping consumers navigate the courts, or an administrative process that could order a malpracticing licensee to compensate victims.

LICENSING BOARD COMPLAINTS (2012-2022)

	Licensees	Average Annual Complaints	Percent with Merit
Cosmetology*	76,598	105	Not tracked
Horse Racing	1,180	5	100
Medical	26,876	807	30
Nursing	77,487	1,335	49
Pharmacy	14,106	163	99

Sources: LOFT's analysis based on data provided by respective non-appropriated agencies.

Note: *Cosmetology only had data dating back to 2019.

Summary of Policy Considerations and Agency Recommendations

Policy Considerations

The Legislature may consider the following policy changes:

- Placing licensing boards under the direction of a single agency, or combining industry-specific boards under a single director for that industry, similar to the recommendation by the 2017 Occupational Licensing Task Force.
- Alternatively, if not under a centralized structure, assigning an elected or appointed-and-confirmed State official with the duty to review and power to overrule board actions. A board of appeals, composed of nonmarket participants with the authority to overrule decisions of industry-specific licensing boards could fill a similar roll.
- Creating a consumer protection division under the centralized licensing agency to provide direct assistance and services to individual consumers.
- Changing the structure of licensing boards to include a majority of non-market participants.
- Requiring non appropriated agencies to provide the same budgetary documentation required of appropriated agencies, including the Budget Justification form and information about reserve balances.
- Requiring licensing boards to track and report data on additional licenses issued based on recent legislative changes such as recognition of out of state licenses and changes to disqualifying criminal history.
- Require licensing boards (or an umbrella agency, if one is created) to track and report Key Performance Indicators regarding resolution of consumer complaints.

Agency Recommendations

The agencies should:

- Make publicly available on each agencies' websites aggregated disciplinary data for licensees.
- Engage in activities to make the public aware of the services provided by the licensing agency.

Introduction

The practice of occupational licensing in Oklahoma dates to before Statehood, with the Oklahoma Constitution directing the Legislature to create specific boards for oversight of professions related to health, dentistry, pharmacy, and food.¹ In general, licensing boards are created by states to ensure public safety by screening out incompetent, untrained, or otherwise unqualified practitioners. Licensing is a routine function of state government, with all fifty states plus Washington D.C. requiring a license to practice at least some professions.

Typical licensing board responsibilities include ensuring licensee compliance with statutes and administrative rules, investigating public complaints against licensees, and disciplining licensees as appropriate.² In most cases it is a crime to practice a licensed occupation without a license, with a range of penalties up to and including jail time.³

Most administrative agencies in Oklahoma receive State appropriations to fund operations. However, 59 agencies do not.⁴ These non-appropriated agencies do not go through the legislative appropriations process, nor are they required to submit details about expenditures and fund balances; budget details that are required of appropriated agencies. The majority of these non-appropriated agencies fall under three categories:

- agencies with power to regulate certain professions (including occupational licensing boards);
- public employee retirement funds; and
- those overseeing specific operations with a dedicated source of revenue that is not from general taxpayer funds.

Most, but not all, of Oklahoma's occupational licensing boards are non-appropriated, though a few are overseen by appropriated agencies like the Department of Labor.

Legislative Background

In the last 11 years, two task forces have been created to review occupational licensing. In 2011, the Legislature created the Business and Professional License Task Force.⁵ In 2017, Governor Fallin convened the Occupational Licensing Task Force via executive order. The order directed the Task Force to review occupational licensing and provide recommendations "for the removal of license requirements that do not promote the health and/or safety of Oklahomans and are unreasonable barriers to Oklahoma workers' workforce entry."⁶

The 2017 Task Force held seven meetings over ten months, and concluded its work with a report containing a summary of challenges related to assessing occupational licensing and 12 recommendations. Approximately half of the recommendations pertained to centralizing jurisdiction, oversight, and the data and reporting requirements of licensing entities. The other half addressed removing unnecessary barriers to work and ensuring adequate industry protections. The Legislature has since enacted measures addressing three key issues raised by the report: creating a publicly-accessible directory of Oklahoma occupational licenses, recognizing comparable licenses issued by other states for those relocating to Oklahoma, and opening

1. Article V Section 39

2. Appendix B provides a more detailed summary of typical statutory duties assigned to licensing boards.

3. Unless otherwise specified, a first offense is a misdemeanor, with a maximum sentence of 30 days in county jail, and a fine up to \$500 per offense, with each day of noncompliance counted as a separate offense. The penalty for unauthorized practice of Medicine is up to 6 months in jail per offense. If harm is caused by someone impersonating a pharmacist, it may constitute a felony

4. Information about non-appropriated agencies from the FY22 Executive Budget.

5. SB772 (2011) created a task force without codifying the law.

6. Executive Order 2016-39. The Task Force's report can be found [here](#).

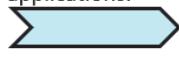
certain professions to individuals with prior criminal convictions.⁷

One of the recommendations specifically called for the work of the 2017 Task Force to continue by either extending the Task Force or creating an independent commission for the purpose of reviewing the necessity, utility, and impact of existing licensing regulations. In response, the Legislature created the Occupational Licensing Advisory Commission.⁸ The Commission reviewed every occupational license issued at that time in Oklahoma, using the Task Force's blueprint for evaluation. In 2022, the Commission completed its review of Oklahoma's licenses, and the Legislature voted to dissolve the Commission effective December 31, 2022.⁹ Prior to the Advisory Commission beginning their work, 504 jobs in Oklahoma required an occupational license.¹⁰ At the end of the Advisory Commission's work 211 Oklahoma jobs required a license.

Exhibit 1: State Actions on Occupational Licensing (*This timeline shows recent legislative action on the issue of occupational licensing.*)

State Actions on Occupational Licensing

Business and Professional License Facilitation Task Force created via SB772 (2011) to study the existing governmental models of Florida, Ohio and other states that have established a central contact point or agency for the facilitation of the majority of business and professional licenses and applications.



2011



The Business and Professional License Facilitation Task Force Report was issued January 2012

Executive Order 2016-39 created the 2017 Occupational Licensing Task Force to conduct a comprehensive review of licensing and make recommendations for the potential removal of license requirements



2016



As a result of the Task Force the Oklahoma Legislature enacted SB1475, creating an Occupational Licensing Advisory Commission (effective July 1, 2018) tasked with conducting a review of all Oklahoma occupational licenses and making recommendations to the Legislature.



2018

Source: LOFT's creation based on information from statutory research

7. The Oklahoma Occupational Licensing Directory is available on the State's data transparency [website](#). SB670 (2019) recognized licenses of military service members and their spouses. HB2873 (2022), creating 59 O.S. § 4150 et seq., expanded reciprocity to anyone moving to Oklahoma with a substantially similar out-of-state license. SB1691 (2022), amending 59 O.S. § 4000.1, significantly reduced the number of disqualifying criminal activities that can deny an applicant an occupational license.

8. SB1475 (2018) created 40 O.S. § 800.1.

9. SB1725 (2022) amended 40 O.S. § 800.1.

10. For a full list of jobs requiring a license prior to 2018, see Appendix D

Agencies Reviewed in this Evaluation

LOFT identified five non-appropriated agencies with licensing authority to review for this evaluation. LOFT sorted agencies based on size of budget and number of licensees and selected the top three agencies in each category. One of the agencies was represented in both lists, leaving a total of five State boards to review:

- Board of Cosmetology and Barbering;
- Horse Racing Commission;
- Board of Medical Licensure and Regulation;
- Board of Nursing; and
- Board of Pharmacy.

In reviewing the agencies, LOFT found fairly consistent expenditures and stable budgets. Additionally, the license fees charged by each agency are at or below the regional average of all states contiguous to Oklahoma.

Financial Assessment: Stability of Fees and Revenue

Non-appropriated licensing boards fund their operations with user fees paid by licensees. Fees for Cosmetology licenses are set in statute.¹¹ Fees for Nursing and the Horse Racing licenses are set via Administrative Rule, but capped in statute.¹² Fees for the Medical and Pharmacy licenses are set via Administrative Rule.¹³ In the past 10 years, none of the licensing fees have seen a high degree of volatility, with few of the fees being raised at all. Since 2012, the Legislature has raised fees for certain Cosmetology licenses on two occasions. The Medical, Pharmacy, Horse Racing, and Nursing boards have not raised fees since 2012.

In addition to fees, licensing boards receive revenue from fines assessed to licensees for violations ranging from late payment of renewal fees to misconduct that does not warrant revocation of a license. On average, for the ten years LOFT observed, licensing fees made up 99 percent of total revenues for the Cosmetology Board, 90 percent of total revenues for the Horse Racing commission, 100 percent of total revenues for the Medical Board, 95 percent of total revenues for the Nursing Board, and 90 percent of total revenues for the Pharmacy Board. The remainder was made up of fines imposed on licensees who were noncompliant with one or more of the laws or administrative rules the agency was charged with enforcing.

Exhibit 2: Top Expenditure Line Items (This table shows the largest expenditure categories for each of the five licensing boards LOFT evaluated.)

Percent of the Top 10 Total Expenditures for FY22

	Cosmetology	Horse Racing	Medical	Nursing	Pharmacy
Employee Salaries	48%	27%	34%	65%	52%
Interagency	11%	4%	6%	0%	10%
Other Office Leasing	2%	N/A	2%	2%	1%
Other IT Services	3%	N/A	3%	N/A	2%
Professional Services	4%	N/A	2%	6%	2%
Pcard Transactions	1%	1%	2%	1%	2%

Source: LOFT's analysis of agency provided data.

Notes: Categories are not inclusive of all definitions.

LOFT compared the expense categories (of high interest) across all five agencies.

Other office space not leased through OMES.

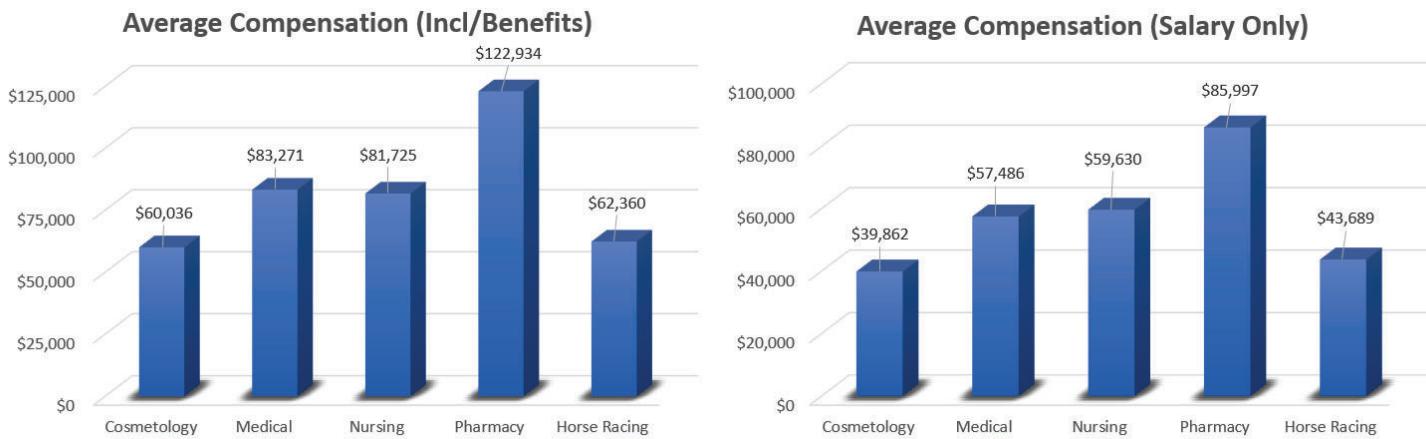
IT services not contracted through OMES.

11. 59 O.S. § 199.14.

12. 59 O.S. § 567.7 and 3A O.S. § 204.2, respectively.

13. 59 O.S. § 141-145 and 59 O.S. § 353.7, respectively. Some of the Pharmacy Board fees are capped in statute, however, per 59 O.S. Section 353.11, the Board has the power to set fees for Pharmacist licenses.

Exhibit 3: Employee Compensation and Salary (This table shows the average employee total compensation (left) and salary (right) for each of the five licensing boards LOFT evaluated.)



Source: data.ok.gov and PeopleSoft, July 1, 2021 to June 30, 2022.

Note: Pharmacy salaries are an outlier due to multiple employees being licensed pharmacists.

Financial Assessment: Agency Expenditures

With the exception of Horse Racing, LOFT observed that the biggest share of the agencies' budgets are allocated for employee compensation and administrative expenses, including office leases, professional services such as legal and information technology, and services provided by other state agencies, such as Office of Management and Enterprise Services and the Attorney General.

Financial Assessment: General Revenue Contributions

Most non-appropriated agencies are statutorily required to remit a percentage of revenues to the State's General Revenue Fund.¹⁴ Each of the licensing boards reviewed by LOFT remit the standard 10 percent of gross receipts directly related to licensing. These funds reimburse the State for intangible benefits licensees receive from the State's authorization and enforcement.¹⁵ In the following sections, LOFT provides details about the history, governance structure, types of licenses, and budget for each of the five non-appropriated licensing agencies reviewed.

14. 62 O.S. §211

15. 1997 OK AG 42 "We can reasonably assume that the purpose of this statute is to require those licensed and those who seek licensure from the State to fund the costs of such actions by the State outside of those undertaken by the agency."

Oklahoma State Board of Cosmetology and Barbering

Year Constituted: 1949 (Previous board repealed in 1939)

Board Members: 11 Members appointed by Governor, 10 must be market participants

Licensees: 76,598

FY22 Budget: \$2,133,006

Employees: 16

Average Employee Compensation: \$60,035

Legislative History

The State Board of Cosmetology was created by the Oklahoma Legislature in 1935 as a self-sustaining licensing agency. Recreated in 2014 as the Oklahoma State Board of Cosmetology and Barbering (Cosmetology), the entity licenses and regulates the professions of cosmetology, barbering, esthetics, manicuring, instructors, and establishments where these services are performed. Additionally, the practice of Massage Therapy is regulated by the Cosmetology Board, although massage therapy establishments are not regulated by the Board.

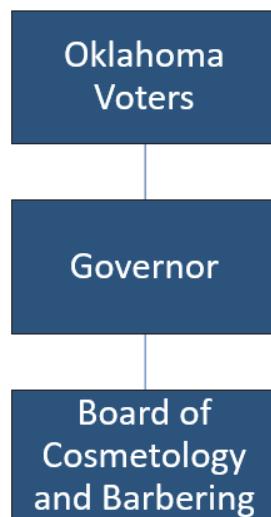
The Cosmetology Board is statutorily vested with the administration, direction, and control of cosmetology licensing and licensees for the state. It develops curriculum for schools and regulates health and safety issues in schools approved by the Board. Any person providing services, including but not limited to, haircutting, hairdressing, nail care, skin care, and the application of make-up, must be licensed by the Board.¹⁶

Governance Structure

The Board is comprised of eleven members, all appointed by the Governor, each serving a four-year staggered term. State Statute requires:

- six members be cosmetologists (one from each congressional district),
- one member representing a public cosmetology school,
- one representing a private cosmetology school,
- one representing a privately owned barber school,
- one lay member of the public, and
- one barber member shall be appointed at large.

Governance Structure



Source: LOFT's creation based on OK Stat § 59-199.2

Mission Statement:

"Safeguard and protect the health and general welfare of the people of the State of Oklahoma by performing a variety of services from developing curriculum for schools to administering prospective practitioners of Cosmetology, Barbering and Massage Therapy industry."

The Chair and Vice Chair are voted on annually by the current members. The Board employs an Executive Director, who must hold a current Master Instructor License and have the education and experience for that license.¹⁷

Revenues & Expenditures

The Cosmetology Board receives revenue through three types of licenses: individuals, places of business, and schools. For FY22, the Board recognized a combined total of \$1.69 million in licensure revenue, which is 14 percent above their 10 year average. In FY20, Cosmetology experienced a 30 percent increase overall licensure rates, including a 20 percent increase in Cosmetology licenses. However, in 2021 and 2022 the licensure rates dipped closer to pre-2020 figures. The Legislature sets fees in statute for the Board of Cosmetology and Barbering.¹⁸ Fees on certain licenses have been raised twice since 2012, but there has not been an across-the-board fee increase in that time.

Exhibit 4: Top 10 Expenditure Line Items (This table shows the top 10 line items in the Cosmetology and Barbering Board's FY22 budget.)

COSMETOLOGY - TOP 10 EXPENDITURES	
2022 BUDGET	\$ 2,133,006
EMPLOYEE COMPENSATION	1,020,604
OFFICE OF MANAGEMENT & ENTERPRISE SVCS	208,517
NTL INTERSTATE CNCL OF STATE COSMETOLOGY	50,870
VTA OKLAHOMA CITY LLC	37,928
LEGION TECHNOLOGY INC	31,560
GALT FOUNDATION	29,887
ATTORNEY GENERAL	28,703
AUTHORITY ORDER-PCARD	23,250
IMAGENET CONSULTING LLC	17,376
NTT DATA INC	12,359

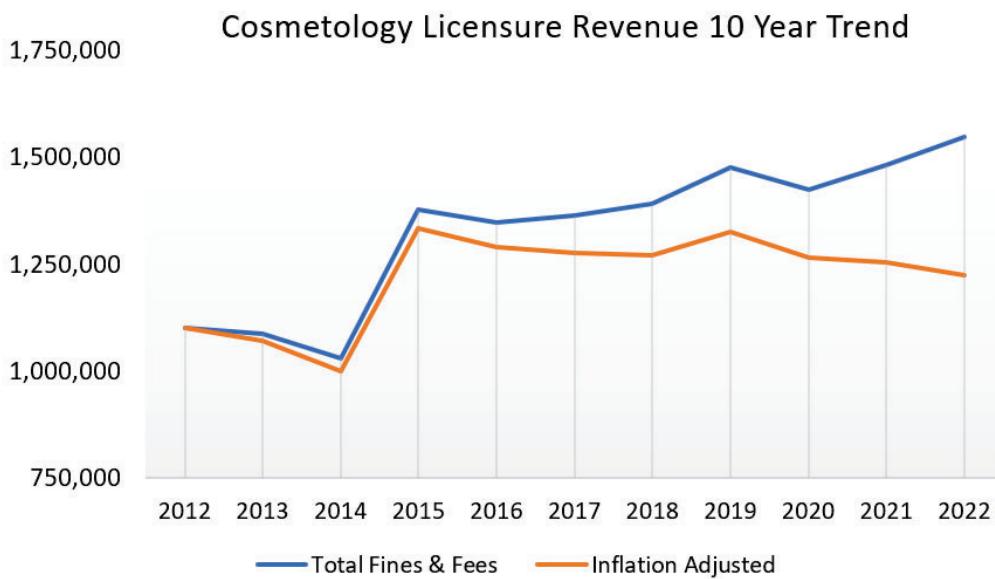
Source: PeopleSoft Expenditures Report

Notes: VTA Oklahoma City LLC is a Property Management Company

17. 59 O.S. § 199.4; 175 O.A.C. 1-3-1

18. 59 O.S. § 199.14

Exhibit 5: Cosmetology Licensure Revenue 10 Year Trend (This graph shows Cosmetology's 10-year revenue trend from licensing fees and fines, in nominal and inflation-adjusted dollars.)



Source: PeopleSoft Revenue Reports

Licensure

The Cosmetology Board issued 76,598 licenses in 2022. Of those, 20,489 were for full Cosmetologists, who are licensed to perform most cosmetology services. In addition to licensing cosmetologists and barbers, the Board is also charged with inspecting all cosmetology and barber schools and establishments licensed to operate in this State. The Board also has a duty to make publicly available all records of applications, inspections, and investigations. The tuition and fees for 1500 hours of training at a local cosmetology school average just over \$21,000. The classes run 35 hours per week, for 10 months. The average pay for a cosmetologist in Oklahoma is approximately \$27,630.

Exhibit 6: Top 10 Licenses Issued by Cosmetology and Barbering (This table shows the top 10 licenses issued by Cosmetology, including total number, cost, and whether an examination is required.)

Top 10 Licenses Issued by Cosmetology and Barbering in 2022					
Type Of License	Licenses	Education Hours	*Entrance Fee(s) (\$)	Annual Fee (\$)	Exam Required
Cosmetologist	20,489	1,500	65	25	✓
Manicurist	5,340	600	65	25	✓
Cosmetology Establishment	3,817	N/A	65	30	N/A
Facialist	3,068	600	65	25	✓
Barber	3,009	1,500	65	25	✓
Massage Therapist	1,296	500	50	55	✓
Master Cosmetologist Instructor**	1,100	1,000	90	50	✓
Initial Cosmetology Establishment	58	N/A	45	30	N/A
Hairbraiding Technician	398	N/A	N/A	N/A	N/A***
Barber Establishment	352	N/A	45	30	N/A

Source: Table information obtained from O.S. Title 59 and Licensing Boards

Note: Entrance fees are only those collected by the State, such as Student Registration, Exam Cost, Intial Application Fees, and do not include third party fees required to meet.

Education can be reduced to 300 hours if 2 years of recent licensed expereince can be verified.

Only requirement for hairbraiding is annual passage of safety and sanitation test.

Exhibit 7: Peer State Comparison of Cosmetology and Barbering (This table shows peer states of Oklahoma and their respective fees, educational requirements, average salaries, cost of living adjustments, and continuing education (CE) requirements.)

State	COSMETOLOGY LICENSE							
	Initial Cost (including application, background check & licensing fee)	Education Hours	Renewal Fee	Renewal Period	Mean Salary 2021	Cost of Living (2nd Qtr 2022)	Cost of Living Salary Adjustment	Annual CE Requirements
Arkansas	\$125.00	1,500	\$80.00	biennial	\$31,080.00	89.9	\$34,219.08	N/A
Colorado	\$177.00	1,800	\$32.00	biennial	\$37,190.00	105.1	\$35,293.31	N/A
Kansas	\$195.00	1,500	\$60.00	biennial	\$33,130.00	86.4	\$37,635.68	N/A
Missouri	\$150.00	1,500	\$30.00	biennial	\$36,420.00	88.6	\$32,268.12	N/A
New Mexico	\$253.00	1,600	\$50.00	biennial	\$26,280.00	93.6	\$27,961.92	6
Oklahoma	\$60.00	1,500	\$25.00	annual	\$27,630.00	85.7	\$31,581.09	N/A
Texas	\$176.00	1,500	\$53.00	biennial	\$29,680.00	90.9	\$32,380.88	4

Sources: Bureau of Labor Statistics and state data sets

Oklahoma has a reciprocal licensing agreement with all 50 states plus D.C.¹⁹ To receive an Oklahoma license, an applicant must hold a license from a state whose licensing requirements meet or exceed Oklahoma's. Additionally, the applicant must pass an Oklahoma-specific State Rules, Regulations, and Law exam, which is administered by the Board.

19. HB2873 (2021) created 59 O.S. § 4150.

Oklahoma Horse Racing Commission

Year Constituted: 1982 (Became Non-Appropriated in 2018)

Board Members: 9 Members appointed by Governor, 3 must be market participants

Licensees: 1,180

FY22 Budget: \$9,757,909 (Approximately \$3,557,909 of which is devoted to licensing related activities)

Employees: 34 (Approximately 11 of whom perform licensing related duties)

Average Employee Compensation: \$62,359

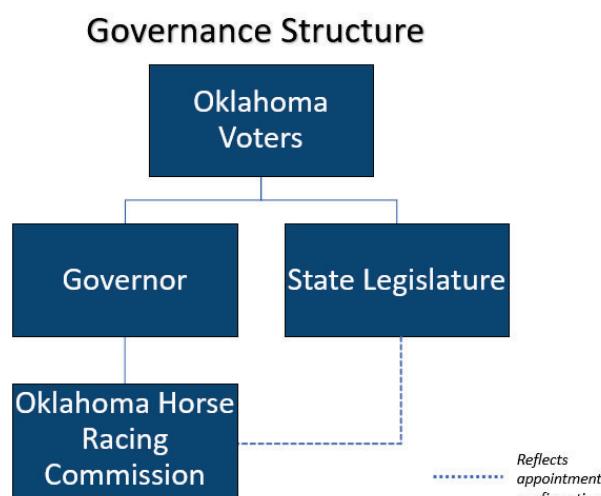
Legislative History

In 1983, the Oklahoma Horse Racing Act (OHRA) was enacted with an Emergency Provision. This Act followed State Question 553 (1982), which authorized the pari-mutuel system of wagering on horse races in Oklahoma. The Oklahoma Horse Racing Commission (OHRC) was then statutorily established in 1984. In 2004, the State-Tribal Gaming Act became effective after passage of State Question 712, providing conditional authority for the OHRC to license certain entities to conduct certain types of electronic gaming.²⁰

Governance Structure

The Commission is statutorily vested with the administration, direction, and control of Horse Racing licensing and licensees for the state.²¹ The Commission, comprised of nine board members appointed by the Governor with the advice and consent of the Senate, has broad authority to:

- supervise horse racing events, including wagering
- issue and regulate horse racing licenses
- promulgate rules governing the rates charged for racetrack admission and for services performed and items sold at racetracks
- approve all construction on property owned by an organization licensee; investigate and impose penalties against licensees
- adjudicate controversies arising from enforcement of the provisions of the OHRA.²²



Source: LOFT's creation based on OK Stat § 3A-201

Mission Statement:

"The Oklahoma Horse Racing Commission encourages agriculture, breeding of horses, the growth, sustenance and development of live racing, and generates public revenue through the forceful control Regulation, implementation and enforcement of Commission-licensed racing and gaming."

20. Agency Mission Statement. Available at the Commission's [website](#). The agency is statutorily vested with the administration, direction, and control of Horse Racing licensing and licensees for the state (3A O.S. § 203.4).

21. 3A O.S. § 203.4

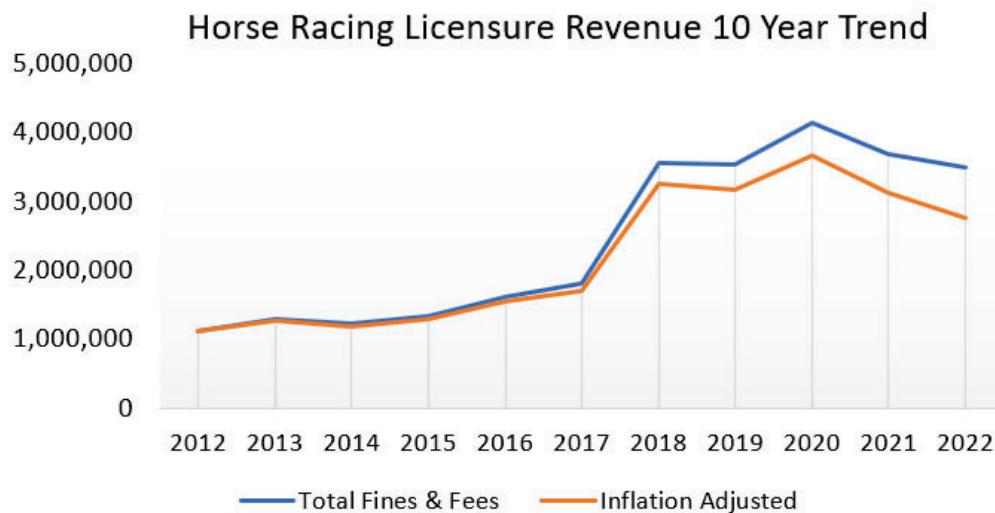
22. 3A O.S. § 204.

The Commission also has specific statutory power to license and employ stewards who are present at horse racing events to enforce Commission rules and regulations and the provisions of the OHRA.²³

Revenues & Expenditures

The OHRC funds its operations through collections from licenses, fees, and fines.²⁴ Funds are transferred to a revolving fund, which is not subject to fiscal year limitations and is under the control of the Commission.

Exhibit 8: Horse Racing Licensure Revenue 10 Year Trend (This graph shows Horse Racing's 10-year revenue trend from licensing fees and fines, in nominal and inflation-adjusted dollars.)



Source: PeopleSoft Revenue Reports

Prior to 2017, the Commission was an appropriated agency, and all its revenues were deposited into the General Revenue Fund. In 2017, the Legislature amended the OHRA to make the Commission non-appropriated.

HORSE RACING - TOP 10 EXPENDITURES		
2022 BUDGET		9,757,909
EMPLOYEE COMPENSATION		2,681,460
TULSA COUNTY PUBLIC FACILITIES AUTHORITY		3,419,946
WILL ROGERS DOWNS LLC		2,171,293
OKLAHOMA HORSE RACING		1,561,499
REMINGTON PARK		797,880
STATE AUDITOR AND INSPECTOR		190,681
AUTHORITY ORDER-PCARD		141,822
OKLAHOMA QUARTER HORSE RACING ASSOCIATION		97,392
OFFICE OF MANAGEMENT & ENTERPRISE SVCS		103,017
STATE BUREAU OF INVESTIGATION		83,112

Exhibit 9: Horse Racing Top 10 Expenditures (This table shows the top 10 expenditure line items for Horse Racing in FY2022.)

Source: PeopleSoft Expenditures Report

Notes: While the Horse Racing Commission has control of a total of \$9,757,909, \$6,200,000 of that is pass through funds. The total operating budget for the Commission is \$3,557,909.

23. 3A O.S. § 203.4.

24. HRC receives reimbursement of equine drug testing fees originally invoiced to the racetracks but does not get any net revenue from this source.

Licensure

Each of the 39 states that permit horse racing requires thoroughbred owners to apply for an Owner's License. The process involves submitting the Owner License form, paying a fee for a license, and in some cases, recording a set of fingerprints. Most states require the Owner to renew their license every year. Oklahoma, like a few other states, offers both one-year and three-year license options.

Oklahoma requires a license to race or work at an OHRC-licensed racetrack/casino. OHRC offers a total of 33 different one-year licenses, ranging from Owners and Jockeys to Veterinarians and Vendors.²⁵ Regardless of license, Oklahoma requires a complete application, background check, and fingerprint card, all of which have an associated fee. OHRC has oversight of three racetracks (Remington Park, Will Rogers Downs, and Fair Meadows Tulsa) dedicated to horseracing, providing a combination of 208 live race days for calendar year 2022. The owner and jockey licenses generate the most revenue. Over the past 10 years, OHRC issued on average of 1,789 licenses to Owners and 52 licenses to jockeys, per year.²⁶

Exhibit 10: Licenses Issued by Oklahoma Horse Racing Commission (*This table shows the licenses issued by Horse Racing, including total number, cost, and whether an examination is required.*)

Licenses Issued by Oklahoma Horse Racing Commission FY22

License Type	1-Year License	3-Year License	1-Year Fee (\$)	3-Year Fee (\$)	Exam Required
Owner	375	663	50	120	N/A
Vendor Employee	236	N/A	25	N/A	N/A
Groom/Hotwalker	234	N/A	25	N/A	N/A
Facility Employee - Combo	194	N/A	25	N/A	N/A
Vendor Employee - Combo	136	N/A	25	N/A	N/A
Fair Meet Facility Employee	84	N/A	25	N/A	N/A
Manufacturer/Distributor Employee	80	N/A	125	N/A	N/A
Concessions/Food Service	63	N/A	25	N/A	N/A
Pony Rider	50	N/A	25	N/A	N/A
Jockey	26	31	50	120	N/A

Source: Data provided by Oklahoma Horse Racing Commission

All licenses are subject to a \$41 fingerprint fee and \$15 name check fee, if applicable.

25. Information provided by OHRC in data request.

26. Ibid.

Mission Statement:

"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... while providing the licensee with proper due process and all rights afforded under the law. To provide any member of society upon request, a copy of the specific public records and information on any of the aforementioned licensed professionals."

Oklahoma State Board of Medical Licensure and Supervision

Year Constituted: 1908 (1923 in current form)

Board Members: 11 Members appointed by Governor, 7 must be market participants

Licensees: 26,876

FY22 Budget: \$6,646,283

Employees: 23

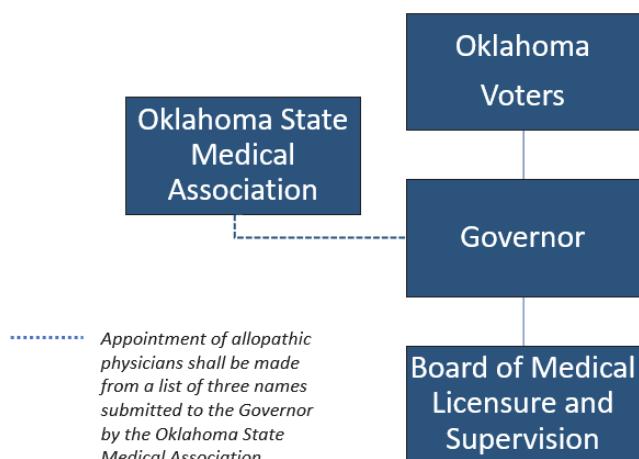
Average Employee Compensation: \$83,271

Legislative History

The State Board of Medical Licensure and Supervision agency was originally formed in 1923 to license qualified individuals to practice medicine. The Board is responsible for screening the qualifications of license applicants and for enforcing laws related to medical practice through disciplinary action.²⁷

Governance Structure

The Board is composed of seven licensed allopathic physicians, as well as four lay members. The physician members must have actively practiced as licensed physicians continuously in Oklahoma for the three years immediately preceding their appointment to the Board. The physician appointments must be made from a list of three names submitted to the Governor by the Oklahoma State Medical Association.



Source: LOFT's creation based on OK Stat § 59-482 (2021)

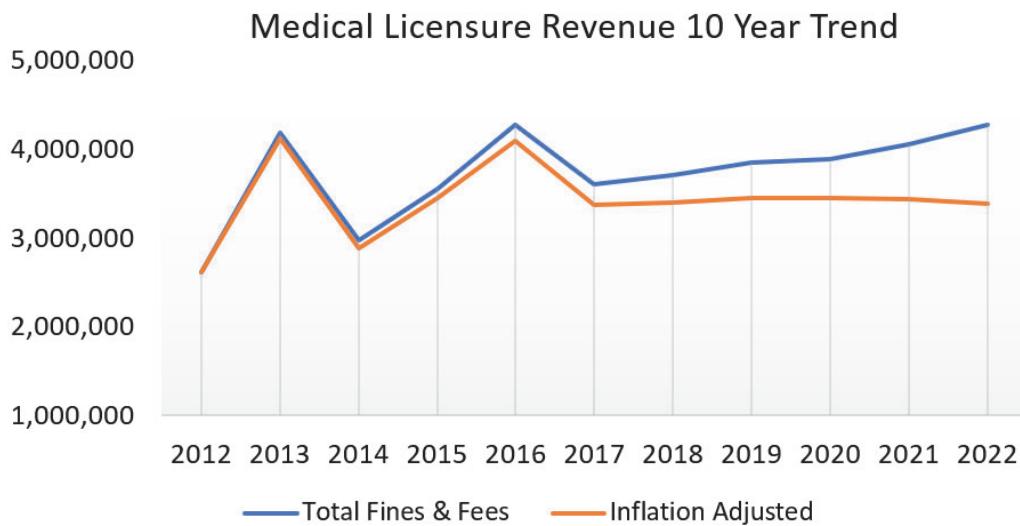
Physician members of the State Board of Medical Licensure and Supervision serve seven year terms, and can be removed only for good cause. The lay members of the Board serve terms coterminous with that of the Governor and serve at the pleasure of the Governor.

27. Oklahoma Board of Medical Licensure and Supervision unabridged Mission Statement defines professionals subject to licensure as: medical doctors, physician assistants, physical therapists, occupational therapists, radiology assistants, anesthesiology assistants, respiratory therapists, athletic trainers, dietitians, electrologists, music therapists, therapeutic recreation therapists, orthotists, prosthetists, and pedorthists.

Revenues & Expenditures

The Medical Board receives revenue from the licensure of individuals to practice in their specialty. For FY22, the Board recognized a combined total of \$4.4 million in licensure revenue, which is 16 percent above their 10-year average. While most licensing boards experienced a decline in license issuances in 2020, the Medical Board showed a slight increase. Since 2020, however, licensure revenue continues to increase at pre-2020 levels.

Exhibit 11: Medical Licensure Revenue 10 Year Trend (This graph shows Medical's 10-year revenue trend from licensing fees and fines, in nominal and inflation-adjusted dollars.)



Source: PeopleSoft Revenue Reports

Exhibit 12: Medical Board Top 10 Expenditures (This table shows the top 10 expenditure line items for the Medical Board in FY2022.)

MEDICAL - TOP 10 EXPENDITURES	
2022 BUDGET	
	6,646,283
EMPLOYEE COMPENSATION	2,248,329
OBJECTSTREAM INC	215,617
OFFICE OF MANAGEMENT & ENTERPRISE SVCS	209,492
ATTORNEY GENERAL	201,159
AUTHORITY ORDER PCARD	165,142
MJH PROPERTIES LLC 101 NE 51ST ST (11,000 sq ft)	142,441
FLANNEL JONES CONSULTING LLC	101,360
BANK OF AMERICA NA	58,393
OKLAHOMA HEALTH PROFESSIONALS PROGRAM	50,000
THERESA R CLEVELAND	39,344

Source: PeopleSoft 6 Digit Expenditures Report

Notes: Objectstream is an IT consultant, MJH Properties is a property management company, Flannel Jones is a management consultant and Theresa R Cleveland is a consultant

Licensure

To obtain a Medical license in Oklahoma, an applicant must meet each of these requirements:

- satisfactorily completed 12 months progressive postgraduate training approved by the Board (or 24 months at a foreign medical school),
- pass an Extended Background Check, and
- complete all sections of the Application for Physician State Licensure.²⁸

According to the U.S. Bureau of Labor Statistics(BLS), the average pay for a Medical Doctor in Oklahoma is \$110.46 per hour and the average annual salary for Family Medical Physicians is \$229,750.²⁹

Exhibit 13: Top 10 Licenses Issued by Medical Board in 2022 (This table shows the top 10 licenses issued by Medical, including total number, cost, and whether an examination is required.)

Top 10 Licenses Issued by Medical Board in 2022

Type of License	Licenses	Accredited Training Program	*Degree(s) Requirement	**Post Degree Requirement	Annual Fee (\$)	***Initial Exam Required
Medical Doctor - Renewal	11,343	N/A	✓	12 months	200	✓
Physical Therapist - Renewal	2,526	✓	N/A	N/A	90^	✓
Physical Therapist Assistant - Renewal	1,930	✓	N/A	N/A	60^	✓
Physician Assistant - Renewal	1,981	✓	✓	20 Hours/Year	125	✓
Medical Doctor - Application	1,139	N/A	✓	12 months	500	✓
Licensed Dietitian - Renewal	1,117	N/A	✓	1,200 hours	100	✓
Occupational Therapy Assistant - Renewal	1,237	N/A	✓	2 months	100	✓
Respiratory Care Therapist - Renewal	1,215	N/A	✓	N/A	100^	✓
Occupational Therapist - Renewal	1,157	N/A	✓	6 months	100	✓
Physician Assistant - Application	226	✓	✓	N/A	150	✓

Source: LOFT using data provided by Medical Licensing Board, Medical Licensing Board Website, and Title 59.

Note: Degree requirements vary depending on the level of complexity of duties. Degree requirement range from Associates Degree to Doctorate. Only Physician Assistants have annual, post degree requirements. All others are one time events. Many of the initial exams are national board exams, meaning fees are collected by those institutions, not the State. Fees provided by the Medical Board for these licenses do not match statute. Title 59 shows Physical Therapist and Assistant to have a \$50 fee. Respiratory Care Therapist are shown to have \$75 fee. Numbers listed in the above table were provided by Medical Board.

28. [Oklahoma Medical Board](#), Main Page, Oct. 2022.

29. [Bureau of Labor Statistics](#), Occupational Employment and Wage Statistics, May 2021.

Oklahoma participates in reciprocity through the Interstate Medical Licensure Compact, however, it is not a “State of Principal Licensure”, meaning that Oklahoma will issue a license to someone with a license from another compacting state, but other states in the Compact may not recognize Oklahoma’s licenses.³⁰

Exhibit 14: Medical Licenses (*This chart shows the cost of a Medical license for every state in Oklahoma’s seven-state region.*)

State	Initial Cost (including application, background check & licensing fee)	MEDICAL LICENSE						
		Education Hours	Renewal Fee	Renewal Period	Mean Salary 2021	Cost of Living (2nd Qtr 2022)	Cost of Living Salary Adjustment	Annual CE Requirements
Arkansas	\$500.00	9,600	\$220.00	annual	\$240,940	89.9	\$265,275	20
Colorado	\$412.00	9,600	\$350.00	biennial	\$223,040	105.1	\$211,665	N/A
Kansas	\$347.00	9,600	\$70.00	biennial	\$243,810	86.4	\$276,968	50
Missouri	\$25.00	9,600	\$25.00	biennial	\$203,740	88.6	\$226,966	25
New Mexico	\$445.25	9,600	\$400.00	annual	\$197,020	93.6	\$209,629	25
Oklahoma	\$535.19	9,600	\$200.00	triennial	\$229,750	85.7	\$262,604	20
Texas	\$1,140.17	9,600	\$465.75	biennial	\$220,590	90.9	\$240,664	24

Sources: Data compiled from Medicus HealthCare Solutions, the Bureau of Labor Statistics, Statista, Missouri Economic Research and Information Center, CECentral.

30. [CompHealth](#), Interstate Medical Licensure Compact States List and Guide for 2022, Oct. 2022.

Statement of Purpose:

"to safeguard the public health and welfare of the residents of Oklahoma by ensuring that any person who practices or offers to practice registered nursing, practical nursing, or advanced practice nursing in this state is competent to do so."

- *The
Oklahoma
Nursing Practice
Act*

Oklahoma State Board of Nursing

Year Constituted: 1909 (1953 in current form)

Board Members: 11 Members appointed by Governor, 9 must be market participants

Licensees: 77,487

FY22 Budget: \$4,037,228

Employees: 29

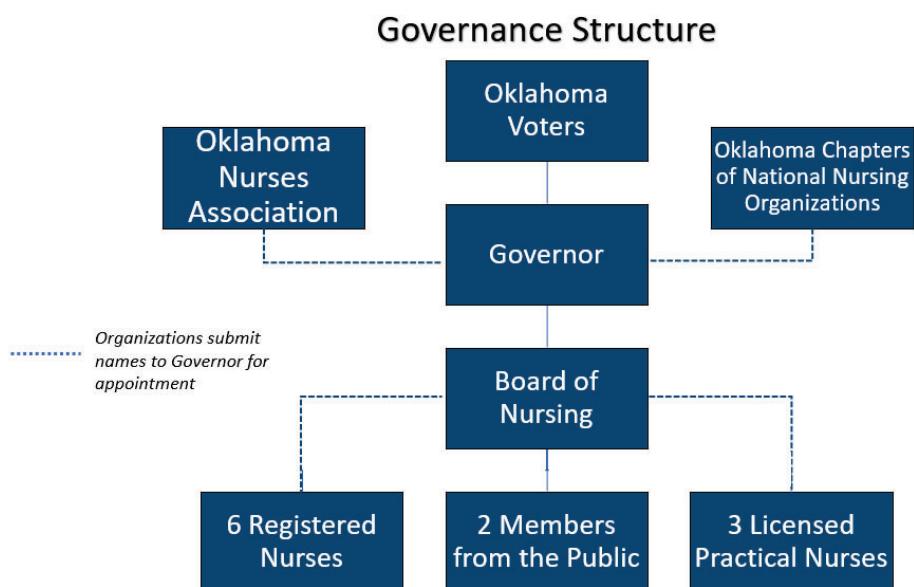
Average Employee Compensation: \$81,725

Legislative History

The State Board of Nursing was first created in 1909. In 1953 the original act was repealed and replaced with the modern Oklahoma Nursing Practice Act, which declared it to be “a matter of public interest and concern” that the practice of nursing and advanced unlicensed assistance “merit and receive the confidence of the public and that only qualified persons be authorized to practice in this state.”³¹

Governance Structure

The Board is composed of 11 members appointed by the Governor - six are registered nurses, three are licensed practical nurses, and two are citizens of the State who represent the public.



Source: ILOET's creation based on OK Stat § 3A-201

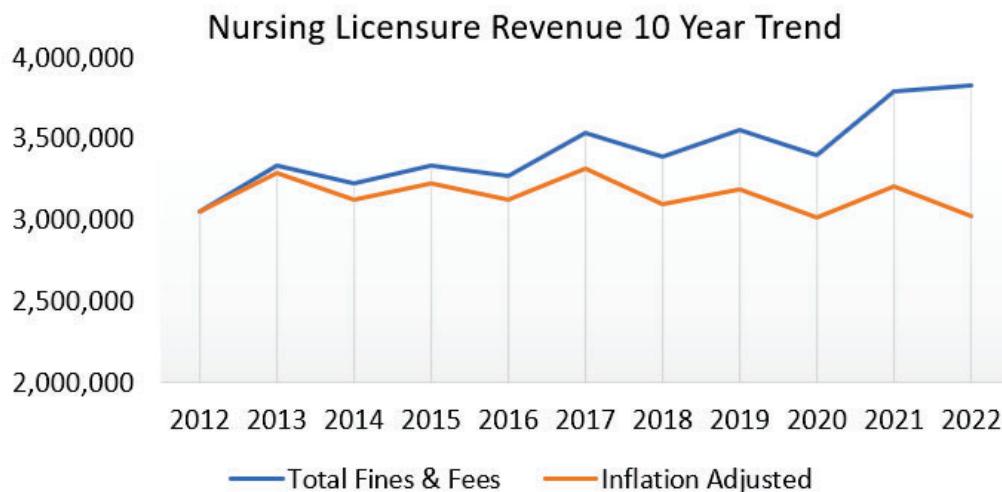
All Registered Nurse and Licensed Practical Nurse board members serve for a period of five years, whereas the Public Members serve co-terminously with the Governor. The officers of the Board are the President, Vice-President, and Secretary-Treasurer who are elected annually.

31. Oklahoma Board of Nursing full [Statement of Purpose](#), as defined by 59 O.S. § 567.1.

Revenue and Expenditures

For the Fiscal Year ending 2021, the Board recognized \$3,692,703 in licensing revenue. License issuances have held within approximately 10 percent over the past 10 years. Revenues and expenditures have remained relatively stationary over the same period.

Exhibit 15: Nursing Licensure Revenue 10 Year Trend (*This graph shows Nursing's 10-year revenue trend from licensing fees and fines, in nominal and inflation-adjusted dollars.*)



Source: PeopleSoft Revenue Reports

Exhibit 16: Top 10 Line Items (*This table shows the top 10 line items in the Nursing Board's FY22 budget.*)

NURSING - TOP 10 EXPENDITURES	
2022 BUDGET	
EMPLOYEE COMPENSATION	2,615,193
DEBBIE MCKINNEY	216,114
ATTORNEY GENERAL	152,357
OFFICE OF MANAGEMENT & ENTERPRISE SVCS	139,989
OKLAHOMA PROPERTY INVESTORS LLC	80,655
OKC HOTEL VENTURES LLC	27,921
AUTHORITY ORDER-PCARD	17,475
OKLAHOMA PUBLIC EMPLOYEE'S RETIREMENT SYS	14,896
OKLAHOMA DEPARTMENT OF CORRECTIONS	8,814
AT&T CORP	8,112
NATIONAL COUNCIL OF STATE BOARDS OF NURSING	6,000

Source: PeopleSoft Expenditures Report

Notes: Debbie McKinney is a Contract Prosecuting Attorney, Oklahoma Property Investors is a Property Management Company, OKC Hotel Ventures provides a room for Board Meetings, and Oklahoma Dept of Corrections provides furniture for purchase

Licensure

As of June 30, 2021, Oklahoma had: 51,104 Registered Nurses, 16,233 Licensed Practical Nurses, and 5,344 Advanced Practice Registered Nurses, and 410 Advanced Unlicensed Assistants. Oklahoma is a member of the Nurse Licensure Compact, meaning that applicants meeting certain requirements can obtain a multistate license and work in any other state within the Compact.

Exhibit 17: Licenses Issued by Nursing for FY2021 (*This table shows the licenses issued by Nursing, including total number, cost, and whether an examination is required.*)

Licenses Issued by the Oklahoma Nursing Board for FY2021								
License Type		* Licenses	Initial Fee (\$)	**Renewal Fee (\$)	Certified Program	Degree(s) Requirement	Post Degree Requirement	Exam Required
Registered Nurse - Single State License	51,104	85	75	✓	✓	N/A	✓	
Registered Nurse - Multistate Compact License		150	125	✓	✓	N/A	✓	
Licensed Practical Nurse - Single State License	16,233	85	75	✓	✓	N/A	✓	
Licensed Practical Nurse - Multistate Compact License		150	125	✓	✓	N/A	✓	
*****Advanced Practice Registered Nurse	5,344	70	40	✓	✓	N/A	✓	
Prescriptive Authority - Recognition for Advanced Practice Registered Nurse	4,396	85	40	✓	✓	N/A	✓	
Advanced Unlicensed Assistant - Certificate	410	20	25	✓	N/A	N/A	✓	

Source: Oklahoma Nursing Board did not provide data by license type. As a result, licenses for each category are shown as one group.

Notes: Renewal fees are for a 2-year license. Nursing Programs are offered throughout the United States and are generally accredited and accepted by all states. Degree requirements are typically required for career advancement, but do not necessarily impose a barrier to entry in the field of work. Oklahoma's Nursing Board provides a list of their current workforce degree obtainment, from associates degrees to PhD programs. Exams are accepted across all states which participate in the Multistate Compact. Advanced Practice Registered Nurse includes Certified Nurse Practitioner, Clinical Nurse Specialist, Certified Registered Nurse Anesthetist, and Certified Nurse Midwife.

Exhibit 18: Nursing Licenses (*This chart shows the cost of a Nursing license for every state in Oklahoma's seven-state region.*)

State	NURSING LICENSE							
	Initial Cost (including application, background check & licensing fee)	Education Hours	Renewal Fee	Renewal Period	Mean Salary 2021 (2nd Qtr 2022)	Cost of Living	Cost of Living Salary Adjustment	Annual CE Requirements
Arkansas	\$155.00	4,800	\$100.00	biennial	\$65,810	89.9	\$72,457	8
Colorado	\$88.00	4,800	\$164.00	biennial	\$80,670	105.1	\$76,556	N/A
Kansas	\$75.00	4,800	\$85.00	biennial	\$66,560	86.4	\$75,612	15
Missouri	\$55.00	4,800	\$60.00	biennial	\$67,790	88.6	\$75,518	N/A
New Mexico	\$254.00	4,800	\$110.00	biennial	\$77,590	93.6	\$82,556	15
Oklahoma	\$85.00	4,800	\$75.00	biennial	\$68,180	85.7	\$77,930	N/A if Full Time
Texas	\$186.00	4,800	\$65.00	biennial	\$79,120	90.9	\$86,320	10

Sources: Trusted Health licensure guide, the Bureau of Labor Statistics, Nurse.org, Missouri Economic Research and Information Center, and AAACEUs.com

Oklahoma State Board of Pharmacy

Year Constituted: 1909 (1961 in current form)

Board Members: 6 Members appointed by Governor, 5 must be market participants

Licensees: 14,106

FY22 Budget: \$6,060,701

Employees: 12

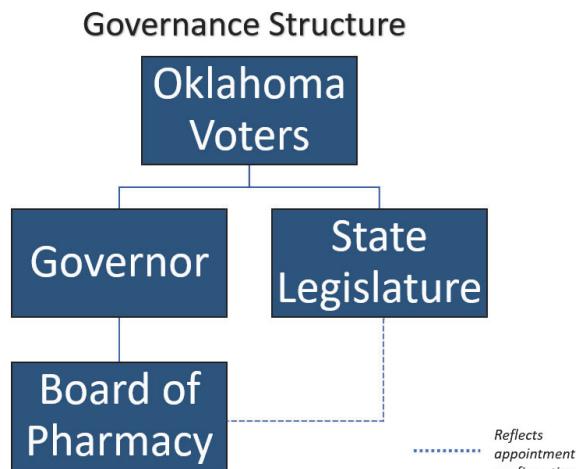
Average Employee Compensation: \$122,934

Legislative History

The Board of Pharmacy was originally created by statute in 1909. The current incarnation of the Board was created through the 1961 Oklahoma Pharmacy Act, for the purpose of licensing qualified individuals to practice Pharmacy.³²

Governance Structure

The Board consists of six members, five of which are licensed as pharmacists in Oklahoma actively engaged in the practice of pharmacy for not less than five years immediately prior to serving on the Board. The one public member must be an Oklahoma resident for not less than five years and not be a pharmacist or be related by blood or lineage to a pharmacist. Pharmacist members are appointed by Governor, who selects from a list of 10 names submitted annually by the Oklahoma Pharmacist Association (OPHA). Appointments are confirmed by the Senate.³³



Source: LOFT's creation based on OK Stat § 59-353.3

Mission Statement:

"protect the health, safety, and welfare of the citizens of Oklahoma by regulating and enforcing the laws regarding the practice of pharmacy and the manufacturing, sale, distribution and storage of drugs, medicines, chemicals, and poisons."

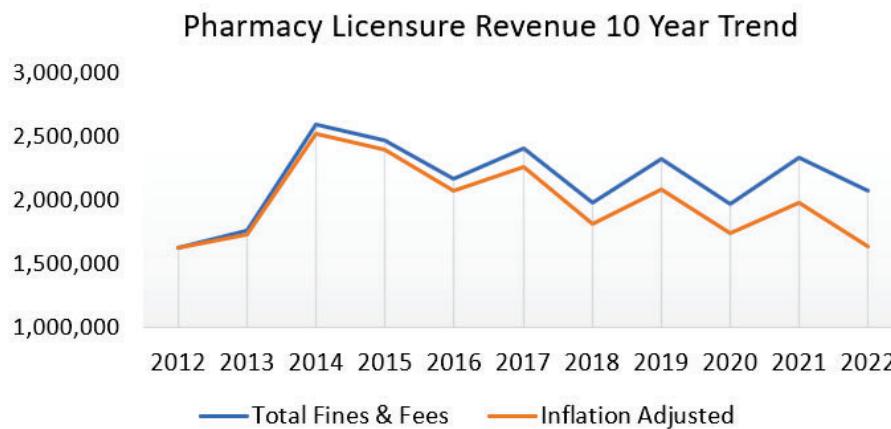
32. [Oklahoma State Board of Pharmacy, Main Page, Oct. 2022.](#)

33. Oklahoma Senate Committee on Appropriations 2015-16, [Performance Report Oklahoma State Board of Pharmacy, 2016.](#)

Revenue & Expenditures

For the Fiscal Year ending 2021, the Board recognized \$2,110,975 in licensing revenue. License issuances have held within approximately 10 percent over the past 10 years. Revenues and expenditures have remained relatively stationary over the same period.

Exhibit 19: Pharmacy Licensure Revenue 10 Year Trend (*This graph shows Pharmacy's 10-year revenue trend from licensing fees and fines, in nominal and inflation-adjusted dollars.*)



Source: PeopleSoft Revenue Reports

Exhibit 20: Pharmacy - Top 10 Line Items (*This table shows the top 10-line items in the Pharmacy's FY22 budget.*)

PHARMACY - TOP 10 EXPENDITURES	
	2022 BUDGET
EMPLOYEE COMPENSATION	3,060,701
OFFICE OF MANAGEMENT & ENTERPRISE SVC	1,598,138
ATTORNEY GENERAL	211,482
AUTHORITY ORDER-PCARD	76,929
OKLAHOMA PHARMACISTS HELPING PHARMA	57,661
THENTIA USA INC	56,667
LSG SOLUTIONS LLC	46,078
FIRST COMMERCIAL MANAGEMENT INC	22,015
DELL MARKETING LP	21,800
OKLAHOMA PHARMACISTS ASSOCIATION	17,126
	11,256

Source: PeopleSoft Expenditures Report

Notes: Thentia USA provides IT Cloud Storage and LSG Solutions is for IT Database

Licensure

The Board is responsible for the licensing and regulation of pharmacists, pharmacy interns, and pharmacy technicians. The Board is also responsible for the licensing and regulation of all pharmacies, medical gas suppliers, medical gas distributors, and prescription drug wholesalers, packagers, and manufacturers that do business in the State of Oklahoma. As of July 1, 2022, the Board maintains approximately 26,935 licensee records.

Oklahoma participates in the reciprocity process through the National Association of Boards of Pharmacy (NABP), by which a registered pharmacist can obtain licensure in Oklahoma based on an existing pharmacist license in a participating state with comparable, or more rigorous, requirements.³⁴

Exhibit 21: Top 10 Licenses Issued by Pharmacy Board in 2022 (*This table shows the top 10 licenses issued by Pharmacy, including total number, cost, and whether an examination is required.*)

Top 10 Licenses Issued by the Pharmacy Board in 2022

Fee Description:	Licenses	Degree(s) Required	Post Degree Requirement	Annual Fee	Exam Required
Pharmacist Renew	7614	Y	1500 hours	100	Y
Technician Renew	5427	N/A	N/A	40	**
Preceptor Renew	3599	Y	12 months*	10	Y
Technician	5427	N/A	N/A	40	**
In-State Pharmacy	2102	N/A	N/A	150	N/A
Drug supplier	849	N/A	N/A	20	N/A
Wholesaler	912	N/A	N/A	200	N/A
Pharmacy Training Area Renew	827	N/A	N/A	10	N/A
Manufacturer	1218	N/A	N/A	200	N/A
Non-resident Pharmacy	818	N/A	N/A	150	N/A

Source: Data provided by Pharmacy Board, O.S. Title 59, and the Pharmacy Act.

Notes: *Must be a licensed Pharmacist prior to becoming a preceptor. **Pharmacies are responsible for building and delivering training programs for Technicians. Drug supplier is a Retail Pharmacy which supplies larger commercial orders (these sales are limited to 5% of total revenue).

Manufacturing licensing requirements are an extension of federal regulations. A non-resident pharmacy is a pharmacy which conducts business in Oklahoma without physical location in the State.

Exhibit 22: Pharmacist Licenses (*This chart shows the cost of a pharmacy license for every state in Oklahoma's seven-state region.*)

State	Initial Cost (including application, background check & licensing fee)	PHARMACIST LICENSE						Cost of Living Salary Adjustment	Annual CE Requirements
		Education Hours	Renewal Fee	Renewal Period	Mean Salary 2021	Cost of Living (2nd Qtr 2022)			
Arkansas	\$61.00	11,100	\$61.00	biennial	\$121,970	89.9	\$134,289	15	
Colorado	\$234.00	11,100	\$190.00	biennial	\$125,040	105.1	\$118,663	12	
Kansas	\$134.00	11,100	\$240.00	biennial	\$119,850	86.4	\$136,150	15	
Missouri	\$150.00	11,100	\$200.00	biennial	\$121,870	88.6	\$135,763	15	
New Mexico	\$200.00	11,100	\$200.00	biennial	\$120,950	93.6	\$128,691	15	
Oklahoma	\$100.00	11,100	\$100.00	biennial	\$116,450	85.7	\$133,102	15	
Texas	\$103.00	11,100	\$281.00	biennial	\$127,320	90.9	\$138,906	15	

Sources: Harbor Compliance, Bureau of Labor Statistics, Missouri Economic Research and Information Center, and Medscape

³⁴ Applicants must also have graduated from an accredited school or college of pharmacy approved by the Board.

Finding 1: Oklahoma's Licensing Board Governance Structure Limits Accountability and Oversight

The governance structure of Oklahoma's licensing boards provides a high degree of independence, but also limits transparency and oversight. Additionally, there are inherent inefficiencies in a structure that supports 37 independent licensing boards across Oklahoma government, each with its own administration. For example, each of the licensing boards leases office space, for a combined expense of more than \$300,000 in annual leasing costs.³⁵ Additionally, the independent structure does not allow for sharing of resources, such as investigators or other support personnel.

Licensing Boards: Oversight & Independence

Each of the five licensing boards reviewed by LOFT is composed of members appointed by the Governor. Two of the five – Horse Racing and Pharmacy – also require the Senate's approval of nominees. The number and qualifications of members is set in statute, with many of the board members being an active practitioner or professional within the industry being regulated.³⁶ This structure is common across most licensing boards operating within Oklahoma's government and presents well-documented concerns about a board's impartiality, particularly whether it unnecessarily limits access and competition within the industry being regulated.³⁷

Accountability of board members varies: at-large members – those unaffiliated with the regulated profession – often serve conterminously with the appointing Governor; market participant members for most boards serve staggered terms and may outlast the Governor who appointed them. Members of some boards can only be removed from office for good cause shown, while a few serve at the pleasure of the Governor. The decentralized governance of licensing boards and lack of consistent accountability was identified by the 2017 Task Force as a challenge to collecting and analyzing licensure data.³⁸ Under this structure, neither the Commissioner of Labor, nor the Secretary of Licensing and Regulation, nor the Governor has the power to direct all of Oklahoma's licensing boards at once, or to overrule a board's decision.

Licensing boards are not dependent on the Legislature for appropriations, as each is self-funded through fees and fines. With the exception of the Horse Racing Commission, licensing boards are not subject to extra review by the office of the Auditor and Inspector.³⁹

“The current system of decentralized authority in occupational licensing, with many independent boards and commissions that regulate different industries, do not report directly to the Governor. The appointment of the members of the boards and commissions does not coincide with the Governor's term of office, making it difficult to compel the enactment of the Governor's direction and agenda.”

Source: 2017 Occupational Licensing Task Force Report, Pg 15

35. Appendix F provides per-agency details on leased space.

36. Of the five boards LOFT evaluated, all but Horse Racing require a majority of their membership to be affiliated with the regulated industry, either directly as a practitioner or as an administrator of a school licensed by the board.

37. 2017 Occupational Licensing Task Force Report.

38. 2017 Occupational Licensing Task Force Report, Pg 15.

39. 3A O.S. § 204 requires an annual audit for the Horse Racing Commission, while other licensing boards follow the standard biennial schedule.

According to budget guidance documents provided by the Office of Management and Enterprise Services (OMES), non-appropriated licensing boards do not fill out budget justification documents, which detail “personnel expenditures and provide information on carryover, cash balances, and efficiency / savings opportunities.”⁴⁰ While licensing boards are required to follow the same budgetary guidelines as appropriated agencies, there is no formal process for non-appropriated agencies to report carryover or funds in reserve, and neither OMES nor the Legislature receives this information annually.

Federal Antitrust Liability

Oversight is of particular importance where licensing boards are concerned. The Federal Trade Commission has sued state licensing boards on several occasions for violation of federal antitrust laws, which seek to prevent restraints on competition. The most notable case is *North Carolina Board of Dental Examiners v. Federal Trade Commission*, in which the U.S. Supreme Court ruled that the North Carolina Dental Board was acting beyond its authority when it ordered unlicensed teeth whitening kiosks to cease operations.⁴¹

While most state licensing operations would undoubtedly run afoul of federal antitrust law – which primarily serves to prevent private market actions – the courts have carved out exceptions for state government actions in recognition of state sovereignty. States that develop policy restricting competition, such as reducing the number of market participants through licensing and regulation, do not have to comply with federal antitrust laws as long as the day-to-day decisions are overseen by a politically-accountable official who does not have an interest in the market. For example, if licensing boards are controlled by market participants, those boards must operate under independent oversight.

Currently, under Executive Order 2019-17, non-rulemaking decisions by Oklahoma’s licensing boards are reviewed by the Attorney General’s (AG) office and boards are required to comply with the AG’s guidance. However, the AG does not have the power to overrule the board. Board members may be removed for failing to follow AG guidance, but there is nothing to compel new members’ compliance. Because Statutes do not provide any elected official with the power to overrule a board’s decision, the current level of oversight may not be sufficient to comply with the *North Carolina Dental* decision, which could leave Oklahoma licensing boards open to federal antitrust liability.

LOFT observed limited transparency and oversight with the current structure of the boards, which presents risks regarding adequate accountability of public funds. Recent governmental reviews of licensing identified challenges with the independence of licensing boards, but budgetary oversight was not a focal point in prior reports. The 2017 Task Force noted the role of agency independence in inhibiting the collection of comprehensive information and the Licensing Review Commission, the successor to the Task Force, was primarily concerned with whether a license should continue, not in evaluating the day-to-day activities of the boards.

40. OMES FY2023 Agency Program and Budget Request Guide

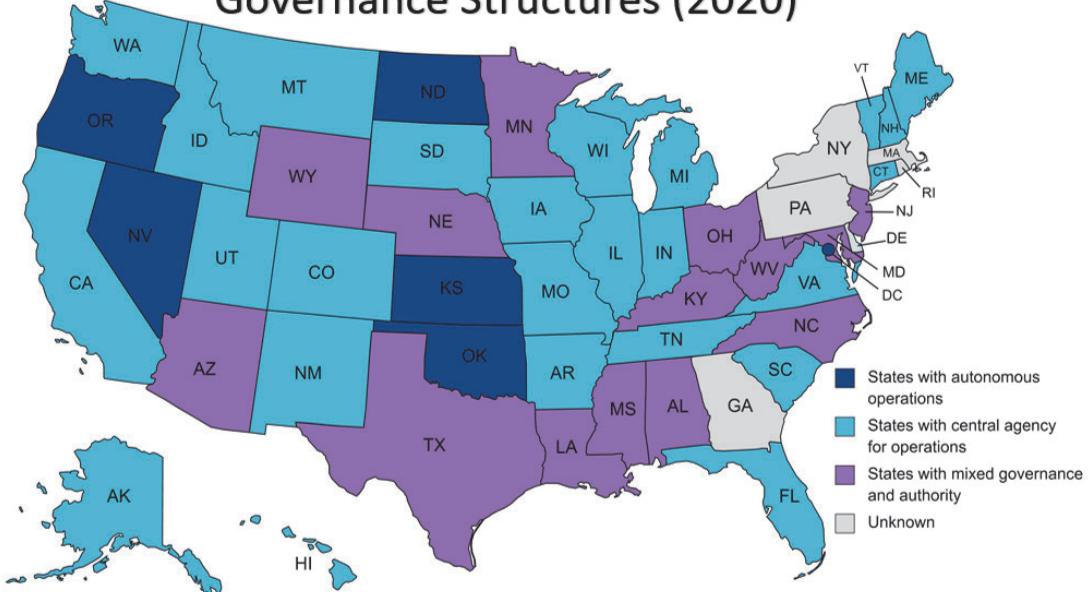
41. North Carolina State Board of Dental Examiners v. Federal Trade Commission, 574 U.S. 494.

Professional and Occupational Licensing Governance Structures

Across the nation, states have adopted processes to govern the regulation, administration, and oversight of occupational licensing. A recent review of states' governance structures finds Oklahoma is one of only five states to operate under a fully autonomous governance structure.⁴²

Exhibit 23: Professional and Occupational Licensing Governance Structures. (This map categorizes states by their governance structure of professional and occupational licensing boards. Oklahoma is one of just five states with licensing boards fully autonomous in their governance and decision-making.)

Professional and Occupational Licensing Governance Structures (2020)



Source: LOFT's analysis based on data from the Professional and Occupational Regulation: U.S. State Regulatory Structures Report (2020), a joint report by the National Conference of State Legislatures (NCSL), the Council of State Governments (CSG), and the National Governors Association Center for Best Practices (NGA Center)

According to information from the National Conference of State Legislatures (NCSL), fully autonomous governance structures, *"hire their own staff as well as make decisions about office location, purchasing, and procedures. Each board receives and investigates complaints and disciplines licensees. Each board is responsible for preparing, administering, and grading of examinations or the contracting out of these tasks. Each board sets qualifications for licensing and standards for practice. Boards collect fees and maintain financial records. Board staff oversee applications for licensing and renewal and answer inquiries from licensees and the public."*⁴³

As illustrated in Exhibit 23, most states' professional and occupational licensing boards operate under a central agency, with occupational licensing boards serving in an advisory capacity. This is not a new practice; Virginia has had a centralized governance structure since 1977. Most recently, Idaho began transitioning into a central governance structure for all licensing boards in 2020.

42. Kansas, Nevada, North Dakota, and Oregon's operational functions are controlled by fully autonomous boards. The District of Columbia also has a similar governance structure.

43. Professional and Occupational Regulation: U.S. State Regulatory Structures Report (2020), a joint report by the National Conference of State Legislatures (NCSL), the Council of State Governments (CSG), and the National Governors Association Center for Best Practices (NGA Center)

Central Governance Structure

Oklahoma's 37 licensing boards cover a variety of medical, professional, and other occupations. However, the independent nature of the boards limits the State's ability to assess the services provided to citizens or identify challenges and opportunities for improved service delivery.

The Council on Licensure, Enforcement and Regulation (CLEAR) has identified 23 states that centralize their regulatory boards under a larger state agency, taking an "umbrella agency" approach for oversight of occupational licensing.⁴⁴ Additionally, a recent report from the National Conference of State Legislatures (NCSL) and the Council of State Governments (CSG) contained states' perspectives on the advantages of consolidating professional and occupational licensing boards under a central agency, excerpts of which are included in the table below.

Exhibit 24: Benefits of a Central Agency Governance Structure for Occupational Licensing Boards State Survey Results. (This table summarizes the benefits reported by states consolidating professional and occupational licensing boards under a central agency.)

Benefits of a Central Agency Governance Structure for Occupational Licensing Boards State Survey Results	
Category	State Survey Response
Funding and Budget	"All five of our boards are relatively small so combining agency staff to support all of them provides for a more robust support in all aspects of board business."
Streamlining and Standardization	"As an umbrella agency there are many benefits, including consistency and streamlining for complaints and applications to ensure similar service, similar analysis of risk to protect the public, as well as streamlined and consistency in rulemaking and other functions." "More standardization and oversight of state records, financial management, human resource functions, etc."
Communication and Collaboration	"The benefit to having the Boards all in one central location is it facilitates communication amongst the Board and the sharing of resources."

Source: LOFT's creation based on state survey responses reported within the *Professional and Occupational Regulation: U.S. State Regulatory Structures Report (2020)* produced by the National Conference of State Legislatures (NCSL), the Council of State Governments (CSG), and the National Governors Association Center for Best Practices (NGA Center)

44. "Evaluating Umbrella Agency Practices," Council on Licensure, Enforcement and Regulation, 2020.

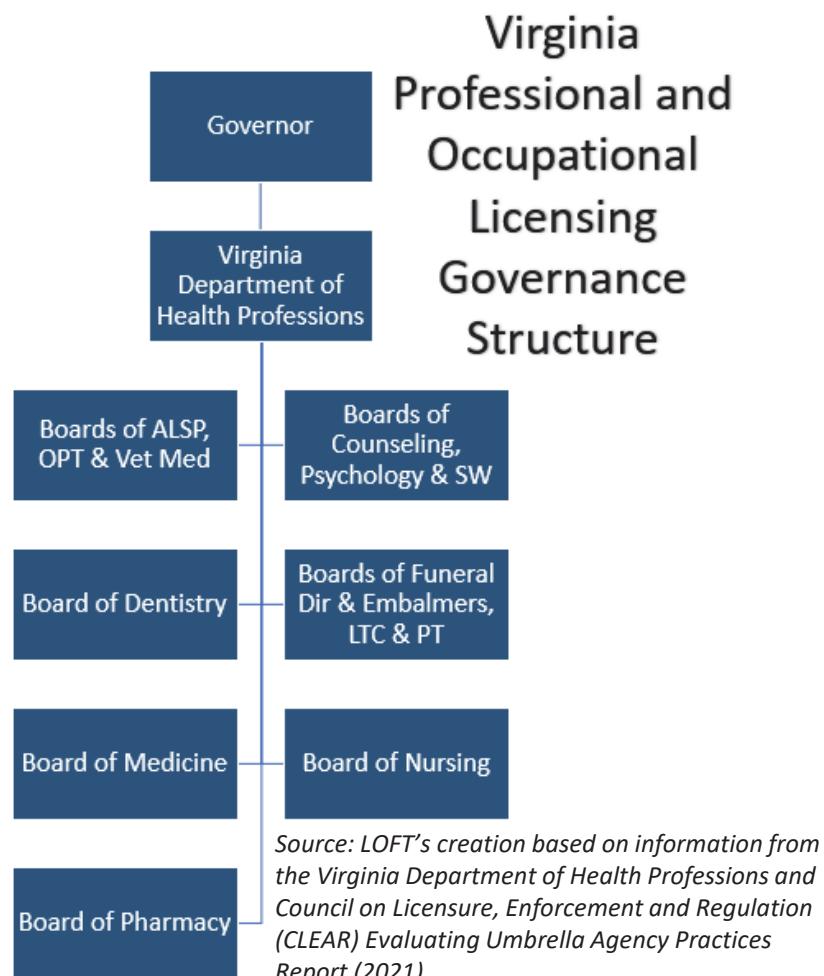
Case Study: Virginia Department of Health Professions (DHP)

LOFT identified Virginia as one of the best practice states for having the most streamlined and efficient governance structures for professional and occupational licensing. The State's structure has also been highlighted by CLEAR for having regulatory best practices.⁴⁵ Since 1977, Virginia's occupational licensing has been consolidated into a central governance structure, setting the foundation and framework for many other states' systems.

The Virginia Department of Health Professions (DHP) is the umbrella agency for the 13 health regulatory boards and the Board of Health Professions that, together, license and regulate more than 435,000 healthcare practitioners across 62 professions.⁴⁶⁴⁷ In 2020, DHP investigated complaints against licensees, and inspected pharmacies, funeral homes, dental facilities, veterinary establishments, nursing education and pharmacy technician programs. Virginia DHP is funded through fees charged to those licensed or certified through the health regulatory boards the agency oversees.

Virginia DHP employs full-time investigators to review complaints from consumers. All investigative staff "float" to serve all boards, as needed. According to Virginia DHP, investigative staff use key performance measures (KPMs) and evidence-based methods to measure disciplinary case processing. This assists in consolidating all disciplinary actions across all licensing boards and uses data to assess the impact of provided services within the market and measure consumer satisfaction.

Virginia DHP advises the Governor, Secretary of Health and Human Resources, and the Virginia General Assembly on regulatory matters. Virginia DHP has a defined role of a Senior Legislative and Regulatory Analyst, who assists the agency and all respective licensing boards and programs on all legislative and regulatory activities including compiling an annual report to the Legislature.



Source: LOFT's creation based on information from the Virginia Department of Health Professions and Council on Licensure, Enforcement and Regulation (CLEAR) Evaluating Umbrella Agency Practices Report (2021).

45. ["Evaluating Umbrella Agency Practices."](#) Council on Licensure, Enforcement and Regulation, 2020.

46. [Virginia DHP 2019-2020 Biennial Report.](#)

47. As of 2020, Virginia DHP had 246 Department staff and 31 contractor employees.

LOFT's review of 14 states with centralized governance of licensing boards revealed the following benefits for states with this structure:

- Eliminating concerns over federal antitrust liability, so long as the agency head does not have a financial interest in any of the regulated profession, and has authority to overrule board decisions;
- Providing the public a single point of contact to research a licensee's standing before hiring them, and to bring complaints against licensees if work is not done properly.
- Providing the Legislature a single point of contact to ensure policymakers are able to access the information they need on a timely basis;
- Serving as the state's single point of accountability and transparency for all licensing activities; and
- Enabling a single public awareness campaign to effectively inform the public of the agency's existence, mission, and actions available to harmed consumers.

Creating a single agency that oversees applicable licensing boards, or combining industry-specific boards under a single director for that industry, could improve transparency and accountability, especially if the agency was required to follow the same budgeting and reporting procedures as required of appropriated agencies.⁴⁸ Alternatively, the Legislature could insulate licensing boards from antitrust liability by creating a board of appeals, composed of non-market participants, with the authority to overrule decisions of industry-specific licensing boards. It is worth noting that the Legislature would not need to appropriate new funding for such an agency. Licensing boards are already self-funded. The boards LOFT reviewed have significant cash reserves in their revolving funds.⁴⁹ Additionally, the streamlined operations would likely reduce administrative costs and create efficiencies that, over time, could create net savings. **Accomplishing the goals of an umbrella agency does not require consolidation of all boards; this could be achieved while leaving existing boards intact.**

48. In addition to our licensing boards, the Department is home to the Board of Health Professions, the Healthcare Workforce Data Center, the Prescription Monitoring Program, and the Health Practitioners' Monitoring Program.

49. Because the Horse Racing Commission serves a slightly different mission from the other licensing boards, it may be appropriate to exclude the Commission from the direction of a licensing agency. Horse Racing uses licensing as a way to protect the integrity of the sport.

Finding 2: Oklahoma Can Improve its Licensing Boards' Role In Consumer Protection

Public Benefits of Licensing

Licensing boards are created to protect the public from unqualified practitioners in potentially dangerous fields. They do this by ensuring that only those with the necessary training, experience, and skill are legally allowed to practice. However, these precautions cannot prevent carelessness or malintent – that is, licensing boards can keep out those who don't know how to safely perform a given occupation, but they can do little to ensure those with basic competency always do a good job, or always treat their customers fairly. Boards can discipline licensees once they become aware of a problem, but these responses are, by their very nature, reactive.

Oklahoma's licensing boards lack statutory authority to help consumers find remedy or recourse when harmed by a licensee. Instead, the role of licensing boards is to discipline misbehavior of licensees. And while a board may suspend or revoke a license, levy fines, and maintain records of the practitioner's misdeeds, consumers who want compensation for the harm caused by licensees will have to file civil lawsuits. All five licensing boards LOFT evaluated confirmed they are unable to help consumers find compensation for malpractice claims; consumers are left to pursue their claims in district court or small claims court. Of the boards reviewed by LOFT, the Horse Racing Commission is an outlier in that its licensing doesn't serve to protect the general public from harm, but rather the integrity of the sport.

In examining the public benefit of licensing boards, LOFT found it difficult to quantify both the benefits and costs of licensing. While licensing boards receive complaints from consumers, the public must first be aware of the board. Some consumers may not file complaints and instead seek legal or civil action. Boards investigate complaints and if determined to have merit, act against the licensee. Sometimes these actions may serve to be corrective in nature and other times may result in someone being barred from future practice. Boards maintain publicly accessible records that allow a consumer to look up whether an occupational professional is licensed or has had punitive action taken against them. However, of the five boards evaluated by LOFT, only one – Medical – reported dedicating efforts to raising public awareness about the board's consumer protection services.⁵⁰

Exhibit 25: Licensing Board Complaints (*This chart details the number of complaints each agency receives about licensees each year, and the approximate percent of complaints that had merit.*)

LICENSING BOARD COMPLAINTS (2012-2022)

	Licensees	Average Annual Complaints	Percent with Merit
Cosmetology*	76,598	105	Not tracked
Horse Racing	1,180	5	100
Medical	26,876	807	30
Nursing	77,487	1,335	49
Pharmacy	14,106	163	99

Source: LOFT'S analysis based on data provided by respective non-appropriated agencies.

Note: *Cosmetology only had data dating back to 2019.

50. As of June 30, 2022, Cosmetology reported a revolving fund balance of \$1,392,050, Horse Racing reported a revolving fund balance of \$63,378 (not including those funds which merely pass through Horse Racing), Medical reported a revolving fund balance of \$6,850,654, Nursing reported a revolving fund balance of \$3,025,003, and Pharmacy reported a revolving fund balance of \$2,128,284. Additional Information on revolving fund balances can be found in Appendix H.

Public Costs of Licensing

One of the most common effects of occupational licensing and regulation is reduced competition within the market. Limiting the supply of professionals working within an industry reduces competition and could drive up costs for consumers. Less competition in the industry invites the opportunity for businesses and workers to raise prices and unilaterally control prices within the market. With fewer competitors, licensed workers can charge more for their professional services than they could in a more competitive market.⁵¹

A 2018 report from the Institute for Justice (IJ) found nearly one out of five Oklahoma workers has an occupational license. Entry into many occupations within Oklahoma's workforce are guarded by occupational licensing requirements which may place additional strain and financial burden on workers seeking to learn new trade and skills. Occupational licensing may deter potential workers from entering the industry workforce and accepting an alternative job with less pay and benefits. Since that report was published, through the work of the 2017 Task Force and the Occupational Licensing Review Commission, Oklahoma has reduced the number of professions requiring licensure from 504 to 211.⁵² A waiver for initial licensing fees is available to "low-income individuals" for most licenses.⁵³

Licensing also requires aspiring professionals and entrepreneurs to devote time, money and income forgone by fulfilling requirements which may not enhance their job performance. Thus, for many professionals, time spent earning a license is time which could have been directed on earning wages, growing a business, and generating an economic return to the State through income and sales tax collections. For example, in FY21 the annual mean wage for a cosmetologist practicing in Oklahoma was \$27,630, and it takes an estimated 350 days to complete all licensing requirements.⁵⁴ An aspiring cosmetologist misses out on approximately \$26,495 in earned income while pursuing a license. The evidence raises questions regarding the relationship of additional training hours and increased safety or quality of services. For example, Nebraska has some of the highest cosmetology education requirements (2,100 training hours) in the country and was found to have 21 disciplinary actions in FY21. However, New Jersey had no disciplinary actions in FY21 and only three in FY19 while having one of the nation's lowest cosmetology education and training requirements (1,200).

Opportunities for Enhanced Consumer Protection

Utah was identified as a state whose occupational licensing body provides particularly robust consumer protection and has resources dedicated to guiding consumers who were harmed by licensed professionals. Utah's Department of Commerce has seven divisions, including the Division of Occupational and Professional Listening (DOPL). The Executive Director of Commerce is appointed by the governor, and each Division Director is appointed by the Executive Director. The Executive Director and DOPL are responsible for administering and enforcing laws and regulations for 64 licensing boards.⁵⁵

DOPL employees approximately 30 investigators who are trained and experienced in investigative procedures. DOPL pursues those complaints which fall within their jurisdiction while referring other cases to the Attorney General. **In addition DOPL has a prelitigation section, "to expedite early evaluation and settlement, or other appropriate disposition, of malpractice claims."**⁵⁶

51. The Medical Board reports conducting a public awareness campaign including video and print advertising.

52. The Federal Trade Commission, NCSL, Pew Research Center.

53. Outcome determined by comparing the current list of professions requiring a license at Labor's Oklahoma Occupational Licensing Directory to the original list in Appendix C.

54. 59 O.S. § 4003. Health care licenses are excluded.

55. Institute for Justice, Occupation Profiles: Cosmetologist.

56. Oklahoma Department of Professional Licensing, Main Website, Oct. 2022.

Plaintiffs in medical malpractice suits must go before the panel prior to litigation, with the goal of “having a panel of impartial panelists review the evidence and assess the merits of each party’s claims, afford[ing] the parties and their attorneys an opportunity to make valuable decisions on whether or how to continue to pursue or defend a case.”⁵⁷

Each of the five boards reviewed by Loft have within its mission statement or statement of purpose the goal of protecting public health and safety through the regulation of those practicing the licensed profession. In examining how Oklahoma’s licensing boards align with the implied legislative intent of protecting consumers, Loft found significant gaps. Licensing agencies have authority for revoking licensure of bad actors, and denying access to unqualified participants, but consumers who are harmed by licensees must turn to the court to find redress.

There are opportunities for Oklahoma to implement some form of consumer recourse through its licensing boards. Utah’s DOPL and its prelitigation division could serve as a template. However, the mission of consumer protection would be better served if the service was optional for consumers, and if it was applicable to all licensed professions, not just the medical field.

Additionally, Oklahoma’s Department of Labor(Labor) has a consumer protection division that helps consumers and licensees reach mutually agreeable settlements, with DOL reporting a 97 percent consumer satisfaction rate.⁵⁸ Creating a consumer protection division, one specifically to help individual consumers who have been harmed by licensees, would be easier and more efficient if the boards were brought under the administration of a single agency. A consumer protection division could then be shared by all boards. A public awareness campaign with a single point of contact, such as a three digit number consumers can call, could enhance the impact of a consumer protection division. However, improving consumer outreach and resources warrants consideration even if the boards are left independent.

There are additional options to leverage the expertise and financial means of licensing boards to help consumers who are harmed by licensed professionals. This could take many forms, including creating a consumer compensation fund, an office of consumer resources dedicated to helping consumers navigate the courts, or an administrative process that could order a malpractice licensee to compensate the victim of that malpractice.

57. Oklahoma Department of Professional Licensing, Prelitigation Division, Oct. 2022.

58. Ibid.

About the Legislative Office of Fiscal Transparency

Mission

To assist the Oklahoma Legislature in making informed, data-driven decisions that will serve the citizens of Oklahoma by ensuring accountability in state government, efficient use of resources, and effective programs and services.

Vision

LOFT will provide timely, objective, factual, non-partisan, and easily understood information to facilitate informed decision-making and to ensure government spending is efficient and transparent, adds value, and delivers intended outcomes. LOFT will analyze performance outcomes, identify programmatic and operational improvements, identify duplications of services across state entities, and examine the efficacy of expenditures to an entity's mission. LOFT strives to become a foundational resource to assist the State Legislature's work, serving as a partner to both state governmental entities and lawmakers, with a shared goal of improving state government.

Authority

With the passage of SB 1 during the 2019 legislative session, LOFT has statutory authority to examine and evaluate the finances and operations of all departments, agencies, and institutions of Oklahoma and all of its political subdivisions. Created to assist the Legislature in performing its duties, LOFT's operations are overseen by a legislative committee. The 14-member Legislative Oversight Committee (LOC) is appointed by the Speaker of the House and Senate Pro Tempore, and receives LOFT's reports of findings. The LOC may identify specific agency programs, activities, or functions for LOFT to evaluate. LOFT may further submit recommendations for statutory changes identified as having the ability to improve government effectiveness and efficiency.

Appendix A. Methodology

Selection Methodology

LOFT used data from the Department of Labor and Senate staff to compile a list of the largest non appropriated licensing boards by number of licensees. The top three boards from this list were the Cosmetology, Nursing, and Medical boards, which were selected for review. LOFT then used the executive budget to compile a list of the largest non appropriated licensing boards by budget. The top three agencies from this list were Horse Racing, Pharmacy, and Medical. As the Medical Board was on both lists, Horse Racing and Pharmacy were added, leaving five total agencies for review.

Oklahoma Constitution, Statutes and Agency Policies

LOFT incorporated legal research methodology for a detailed analysis of state laws and governing policies found in various sources (constitution, statutes, and administrative rules) to assess accountability and governance of occupational licensing boards.

Critical Scope Considerations

LOFT's evaluation built on the prior work of task forces and committees, which primarily examined the necessity and of licensing. LOFT's work focused primarily on the governance structure of non appropriated agencies with licensing authority and the effectiveness of the licensing board model.

Appendix B: Statutory Duties of Boards

Oklahoma Statutes primarily empower licensing boards to do the following:⁵⁹

- Determine who has the skills and character necessary to practice a particular profession or set of professions through an application and examination process.
- Make rules surrounding the practice of licensed professions.
- Inspect licensees, including licensed schools and businesses, where applicable.
- Collect license fees.
- Investigate complaints against licensees.
- Discipline licensees for misconduct, as defined by governing statutes or rules.
- Ensure that licensees stay up to date on training through requirement of continuing education, if applicable.
- Seek court injunction against non-licensees practicing a licensed profession.
- Subpoena witnesses in connection with disciplinary proceedings.

59. Based on a general reading of Title 59 of the Oklahoma Statutes.

Appendix C: Non-appropriated Licensing Boards, with Executive Budget Numbers FY22

Accountancy Board - \$4,805,906	Long Term Care Facility Advisory Board -\$659,303
Abstractors Board- \$280,955	Board of Nursing- \$4,037,328
Board of Architects- \$899,776	Optometry Board- \$347,618
Aeronautics Commission- \$11,415,789	Osteopathic Examiners Board- \$961,505
Board of Behavioral Health Licensure -\$468,654	Pharmacy Board - \$6,060,701
Capitol Improvement Authority -\$513,182,843	Board of Podiatry - \$21,760
Chiropractic Examiners Board- \$238,507	Board of Private Vocational Schools -\$192,956
Construction Industries Board - \$4,566,834	Engineers and Land Surveyors- \$1,842,840
Cosmetology and Barbering, Board -\$2,133,006	Psychologist Examiners Board- \$278,315
Board of Dentists - \$2,303,208	Real Estate Commission- \$1,569,023
Funeral Board - \$550,347	Social Workers Board- \$384,599
Interstate Oil Compact Commission -\$3,864,356	Speech Pathology and Audiology Board -\$240,462
Perfusionists Board - \$26,800	Self-insurance Guaranty Fund Board -\$574,720
Horse Racing Commission - \$9,757,909	Uniform Building Code Commission -\$696,046
Energy Resources Board - \$18,015,903	Used Motor Vehicle and Parts Commission -\$1,271,401
Industrial Finance Authority - \$15,873,453	Chemical Tests for Alcohol and Drug Influence- \$831,504
Liquefied Petroleum Gas Board - \$1,078,226	Veterinary Medical Examiners Board -\$751,137
Board of Licensed Alcohol and Drug -Counselors - \$188,291	
Medical Licensure and Supervision, Board -\$6,646,283	
Motor Vehicle Commission, Oklahoma -\$581,659	

Appendix D: List of Licensed Occupations as of 2018

List provided by Department of Labor, and available at <https://oklahoma.gov/content/dam/ok/en/oesc/documents/labor-market/publications/occupation-and-wages/oklahoma-licensed-certified-occupations-2018.pdf>

Oklahoma Accountancy Board	Board of Examiners for Speech-Pathology & Audiology	Commercial Fire Alarm Technician
Accountant, Certified Public (CPA)	Audiologist	Burglar Alarm/Residential Fire Alarm Manager
Accountant, Public (PA)	Speech Pathologist	Burglar Alarm/Residential Fire Alarm Salesperson
Board of the Licensed Architects		Burglar Alarm/Residential Fire Alarm Technician
Architect		Alarm Monitoring Company Manager
Registered Interior Designer		Fire Sprinkler Company Manager
Landscape Architect		Fire Sprinkler Technician
		Fire Sprinkler Technician Trainee
State Board of Medical Licensure and Supervision	Oklahoma State Department of Health	Fire Sprinkler Inspector
Anesthesiologist Assistant	Medical Micropigmentologist	Locksmith Manager
Athletic Trainer	Licensed Genetic Counselor	Locksmith Technician
Athletic Trainer, Apprentice	Hearing Aid Dealer and Fitter	Locksmith Salesperson
Dietitian, Licensed	Body Piercing and Tattoo Artist	Electronic Access Control Manager
Dietitian, Provisional Licensed	Sanitarian, Registered and Environmental (RPS and RPES)	Electronic Access Control Technician
Occupational Therapist	Sanitarian-In-Training and Environmental (RPSIT/RPESIT)	Electronic Access Control Salesperson
Occupational Therapist Assistant		Closed Circuit Television Manager
Orthotist/Prosthetist	State Mining Commission	Closed Circuit Television Technician
Pedorthist	Blaster, Surface	Closed Circuit Television Salesperson
Physical Therapist	Hoisting Engineer, Underground	Nurse Call Manager
Physical Therapist Assistant	Mine Fire Boss (Underground)	Nurse Call Technician
Physician Assistant	Mine Foreman (Underground)	Nurse Call Salesperson
Physician Surgeon M.D. (Family and General Practice)	Mine Shot Firer (Underground)	Trainee (Technician or Sales)
Physician Surgeon M.D. (Internist, General)	Mine Superintendent (Underground)	Alternative Fuels Equipment Technician
Physician Surgeon M.D. (Physician/Surgeon and all others)	Mine Surface Supervisor	Alternative Fuels Trainee Certificate
Physician/Surgeon M.D. (Surgeons)	Miner, Practical (Underground)	Alternative Fuels Compression Trainee
Radiologist Assistant		Alternative Fuels Compression Technician Level One
Registered Electrologist	Oklahoma Department of Securities Licensing Division	Operator
Registered Prosthetist/Orthotist Assistant	Broker-Dealer Agent	Alternative Fuels Compression Technician Level Two
Registered Prosthetist/Orthotist Technician	Investment Advisor Representative	Mechanic
Respiratory Care Practitioner	Issuer Agent	AHERA Asbestos Inspector
Therapeutic Recreation Specialist	Broker-Dealer	
Board of Bar Examiners of the state of Oklahoma	Investment Adviser	
Attorney (Lawyer)	Subdivided Land Sales Agent	
	Department of Labor	
	Alarm, Locksmith and Fire Sprinkler Company	
	Alarm Monitoring Company Manager	
	Commercial Fire Alarm Manager	
	Commercial Fire Alarm Salesperson	

Oklahoma Licensed and	State of Oklahoma Insurance Commission	Oklahoma State Board of Examiners for Long-Term Care Administrators
AHERA Asbestos Management Planner	Customer Service Representative	Long-Term Care Administrator
AHERA Asbestos Project Designer	Insurance Adjuster	Board of Examiners in Optometry
Asbestos Abatement Contractor	Insurance Producer and Title Producer	Optometrist
Asbestos Abatement Supervisor	Insurance Consultant	Oklahoma Board of Osteopathic Examiners
Asbestos Abatement Worker	Limited Lines Insurance Producer	Osteopathic Physician (D.O.)
Boiler and Pressure Vessel Service, Repair and/or	Motor Service Club Agent	Council on Law Enforcement Education and Training
Install License	Oklahoma Board of Dentistry	Peace Officer
Boiler Operator License	Dental Hygienist	Private Investigator
Certificates of Competency Designating Special	Dentist	Security Guard/Armed Security Guard
Inspectors and Owner-Users Inspectors of Boiler and Pressure Vessels	Oklahoma Department of Public Safety	Self Defense Act Firearm Instructor
Elevator Mechanic	Driver Training Commercial School Instructor	Bail Enforcer
Emergency Elevator Mechanic	Motorcycle Training School Instructor, Commercial	Oklahoma Department of Agriculture
Temporary Elevator Mechanic	Truck Driver Training School Instructor, Commercial	Pesticide Applicator, Commercial (Certified)
Elevator Apprentice	OK State Board of Embalmers and Funeral Directors	Pesticide Applicator, Non-Commercial (Certified)
Elevator Contractor	Embalmer	Oklahoma State Board of Pharmacy
Elevator Witness Inspector	Funeral Director	Pharmacist
Elevator Special Inspector	Oklahoma State Department of Health	Pharmacy Technician
Elevator Certificate Inspector	Emergency Medical Technician	Oklahoma State Board of Podiatry
Welding Inspector	Advanced Emergency Medical Technician	Podiatrist
Welding Certification	Paramedic	State of Oklahoma Board of Polygraph Examiners
Weld Test Facility	Oklahoma State Board of Licensure for Professional	Polygraph Examiner
Oklahoma State Board of Chiropractic Examiners	Engineers and Land Surveyors	Polygraph Intern
Chiropractor	Engineer Intern	Oklahoma State Board of Examiners of Psychologists
Oklahoma State Board of Cosmetology	Engineer, Licensed Professional, Chemical	Psychologist
Barber / Barber Instructor	Engineer, Licensed Professional, Civil	Oklahoma Real Estate Commission
Cosmetician	Engineer, Licensed Professional, Electrical	Real Estate Broker
Cosmetologist	Land Surveyor, Intern	Real Estate Provisional Sales Associate
Cosmetology Instructor	Land Surveyor, Licensed	Real Estate Sales Associate
Facialist	Oklahoma Water Resources Board	Real Estate Broker Associate
Hair Braiding Technician	Commercial Drilling and Plugging of Groundwater	Oklahoma Insurance Department - Oklahoma Real Estate Appraiser
Manicurist	Wells, Test Holes and Observation Wells	
State Board of Behavioral Health Licensure	Commercial Drilling and Plugging of Heat Exchange	
Counselor, Licensed Professional	Wells	
Licensed Behavioral Practitioner		
Marital and Family Therapist, Licensed		

Commercial Installation of Water Well Pumps	Board	Wastewater Operator, Class A
Commercial Drilling and Monitoring Well and	Real Estate Appraiser	Wastewater Operator, Class B
Geotechnical Boring Driller	Oklahoma State Department of Education	Wastewater Operator, Class C
Oklahoma Horse Racing	Driver Education Instructor	Wastewater Operator, Class D
Commission	School Teacher, Elementary	Water Laboratory Operator, Class A
Horse Racing Authorized Agent	School Teacher, Pre-Kindergarten through	Water Laboratory Operator, Class B
Horse Racing Blacksmith	Third Grade	Water Laboratory Operator, Class C
Horse Racing Bloodstock Agent	School Teacher, Pre-Kindergarten through	Water Works Operator, Class A
Horse Racing Commission Racing Official	Twelfth	Water Works Operator, Class B
Horse Racing Commission Track Racing Official	Grade	Water Works Operator, Class C
Horse Racing Exercise Rider	School Teacher, Secondary	Water Works Operator, Class D
Horse Racing Gaming Employee	Board of Examiners Official Shorthand Reporters	State Board of Examiners of Perfusionists
Horse Racing Groom/Hotwalker	Shorthand Reporter, Certified	Perfusionist, Licensed
Horse Racing Organizational Employee	Oklahoma State Board of Licensed Social Workers	Construction Industries Board Plumbing
Horse Racing Pony Rider	Clinical Social Worker, Licensed	Building Inspector
Horse Racing Track Manager	Master's Social Worker, Licensed	Plumbing Contractor
Horse Racing Vendor	Social Worker Associate, Licensed	Plumbing Journeyman
Horse Racing Vendor Employee	Social Worker with Administrative Specialty, Licensed	Plumbing Inspector
Horse Racing Veterinarian	Social Worker, Licensed (LSW)	Construction Industries Board-Home Inspection
Jockey	Oklahoma Secondary Schools Activities Association	Home Inspector
Jockey Agent	Sports Official, High School	Construction Industries Board-Electrical
Jockey Apprentice	Oklahoma Corporation Commission	Electrical Contractor (Limited)
Racehorse Owner	Aboveground Storage Tank Licenses	Electrical Contractor (Residential)
Racehorse Owner/Assistant Trainer	Licensed Environment Consultant	Electrical Contractor (Unlimited)
Racehorse Owner/Trainer	Monitoring Well Technician	Electrical Inspector
Department of Environmental Quality	Underground Storage Tank Installer	Electrician Journeyman (Refinery)
Lead-Based Paint Abatement Worker	Underground Storage Tank Remover	Electrician Journeyman (Residential)
Lead-Based Paint Inspector	Oklahoma State Board of Veterinary Medical Examiners	Electrician Journeyman (Unlimited)
Lead-Based Paint Inspector/Risk Assessor	Certified Animal Euthanasia Technician	Construction Industries Board Mechanical
Lead-Based Paint Project Designer	Veterinarian	Mechanical Contractor
Lead-Based Paint Supervisor	Veterinarian Technician	Mechanical Inspector
Oklahoma Board of Nursing	Oklahoma State Department of Environmental Quality	Mechanical Journeyman
Advanced Unlicensed Assistant	Distribution and Collection Technician	Oklahoma State Fire Marshal
Nurse Anesthetist, Certified Registered	Distribution and Collection Operator	Engineered Fire Suppression Salesperson
Nurse, Licensed Practical	Wastewater Laboratory Operator, Class A	Engineered Fire Suppression Systems Designer
Nurse-Midwife, Certified	Wastewater Laboratory Operator, Class B	
Nurse Practitioner, Certified	Wastewater Laboratory Operator, Class C	
Nurse, Registered		
Nurse Specialist, Clinical		

Engineered Fire Suppression Systems
Qualified Agent

Engineered Fire Suppression Systems
Trainee

Engineered Fire Suppression Tech-
nician

Portable Fire Extinguisher Qualified
Agent

Portable Fire Extinguisher Salesper-
son

Portable Fire Extinguisher Technician

Portable Fire Extinguisher Trainee

Pre-Engineered Fire Suppression
Salesperson

Pre-Engineered Fire Suppression
Systems Qualified Agent

Pre-Engineered Fire Suppression
Systems Trainee

Pre-Engineered Fire Suppression
Technician

Fireworks Manufacturer

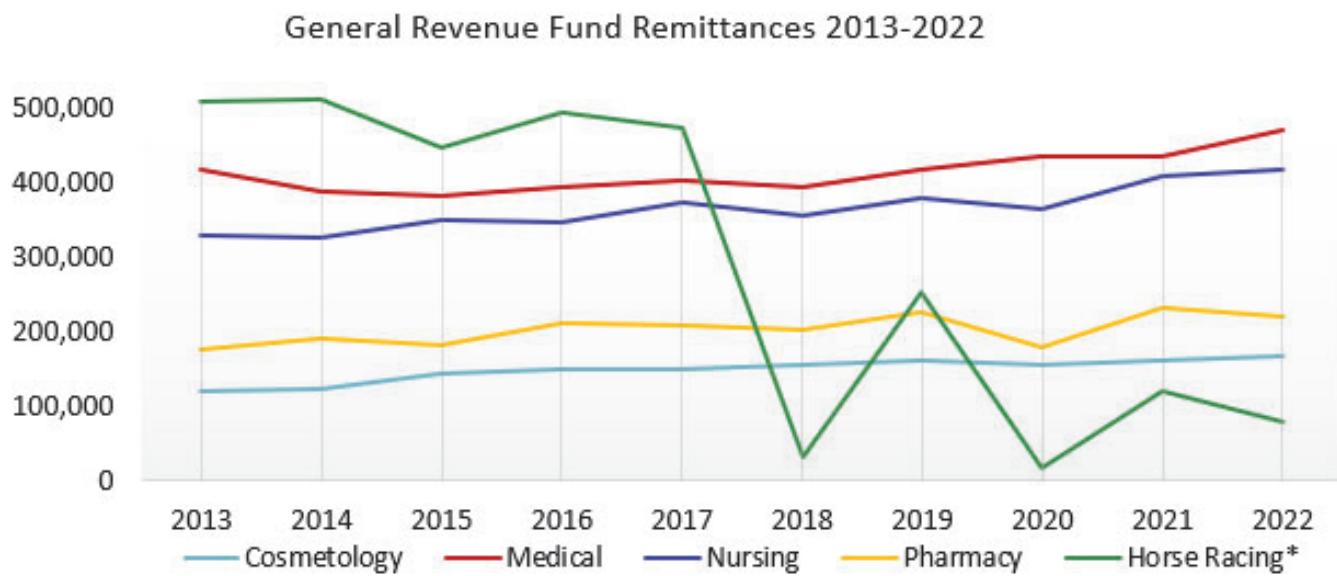
Fireworks Distributor

Fireworks Wholesaler

Fireworks Outdoor Display Operator

Appendix E: General Revenue Remittance

Exhibit 26: General Revenue Fund Remittances for all Five Non-Appropriated Licensing Agencies (This table shows the ten-year history of the total dollars remitted to the State General Revenue Fund for each of the five licensing boards LOFT evaluated.)⁶⁰



Source: Horse Racing - Prior to 2018, all funds were forwarded to GRF, with the exception of the OkBred revenue. Furthermore, according to the Horse Racing Commission, an improper determination of licensing revenue led to excess remittance in 2019. After receiving an Attorney General opinion, the Commission's account was applied a credit from OMES, which was used to offset the next two years' remittances.

60. Email from OHRC 09.14.22

Appendix F: Office Lease Details

Exhibit 27: Office Lease Details (This table shows leased space per agency.)

Agency Office Space					
Agency	Total Sq Ft	Monthly Lease	# of EE's	\$ per Sq Ft	Sq Ft p/EE
Cosmetology	3,448	\$3,160	16	\$0.92	215.5
Horse Racing	2,400	\$1,635	34	\$0.68	70.6
Medical	10,957	\$11,870	25	\$1.08	438.3
Nursing	7,992	\$6,137	29	\$0.77	275.6
Pharmacy	8,440	\$4,572	12	\$0.54	703.3

Source: Agency Provided Data

Appendix G: 10 Year OMES Expenditure Details

The charts below provide 10 year total expenditures in top categories for services provided through OMES.

Appendix G: 10 Year OMES Expenditure Details

The charts below provide 10 year total expenditures in top categories for services provided through OMES.

COSMETOLOGY

Main Category Description	Total Amount
Professional Services	\$933,126
Business Services	\$273,723
Equipment Rental/Lease	\$219,186
Travel/Conferences	\$58,124
Fuel	\$38,662
Miscellaneous	\$8,311
Equipment Repair	\$1,643
Grand Total	\$1,532,775

MEDICAL

Main Category Description	Total Amount
Business Services	\$776,556
Professional Services	\$179,312
Property, Furniture, & Equipment Debt	\$178,089
Workers Comp	\$58,036
Equipment Rental	\$49,827
Flex Benefits	\$17,606
Out-Of-State Transportation Purchase	\$5,983
Maintenance & Repair of Data Processing Equipment	\$1,279
Excess Benefits	\$230
Grand Total	\$1,266,918

HORSE RACING

Main Category Description	Total Amount
Professional Services	\$1,097,335
Office Rent	\$112,509
Business Services	\$76,087
Workers Comp	\$55,719
Property, Furniture, & Equipment	\$24,188
Security Expense	\$16,389
Office Supplies	\$8,211
Flexible Benefits	\$6,934
Maint & Repair Expense	\$5,019
Rent of Equipment/Machinery	\$178
Grand Total	\$1,402,569

NURSING

Main Category Description	Total Amount
Professional Services	\$2,192,878
Business Services	\$193,943
Workers Comp	\$42,302
Rent office Space	\$22,579
Flex Benefits	\$13,332
Mainteance & Repair of Data Processing Equipment	\$6,641
Rent/Lease Equipment	\$4,304
Registration Workshops/Conferences	\$1,883
Grand Total	\$2,477,861

PHARMACY

Main Category Description	Total Amount
Professional Services	\$612,156
Rent of Office Space	\$469,709
Rent/Lease Equipment	\$449,090
Business Services	\$338,945
Purchase of Land Improvements	\$70,000
Insurance Premiums	\$31,495
Refunds - Overpayment of Charges	\$30,220
Flex Benefits	\$11,302
Proerty, Furniture & Equipment Debt	\$6,380
Maintenance & Repair of Data Processing Equipment	\$550
Registration Workshop/Conference	\$275
Grand Total	\$2,020,122

Source: Agency budgets and PeopleSoft entries

Appendix H: Agency Revolving Fund Balances

Ten-Year Revolving Fund Balances

	2014	2015	2016	2017	2018	2019	2020	2021	2022	10-Year Average
Cosmetology	959,232	1,176,549	1,454,284	1,625,180	1,755,651	1,702,287	1,558,559	1,487,414	1,390,881	\$1,456,671
Horse Racing					1,317,967	1,899,512	3,001,305	3,153,559	3,275,350	\$2,529,539
Medical	3,800,190	4,252,999	4,865,198	5,260,063	5,513,345	5,895,368	6,162,208	6,724,295	6,916,220	\$5,487,765
Nursing	2,779,340	2,742,216	2,577,940	2,635,854	2,621,826	2,618,220	2,348,334	2,515,995	3,025,050	\$2,651,642
Pharmacy	1,694,224	2,159,327	2,439,864	2,881,255	2,605,076	3,027,287	2,963,310	4,098,665	3,858,429	\$2,858,604

Notes: The Horse Racing Commission became a non-appropriated agency in 2018. Revolving fund balance for Horse Racing is for the entire agency, not just the licensing division.

FY22 Budget Details	Board of Cosmetology and Barbering	Oklahoma Horse Racing Commission	Board of Medical Licensure and Supervision	Board of Nursing	Board of Pharmacy
Expenditures (2022)	\$2.0 M	\$3.2 M	\$4.7 M	\$3.2 M	\$5.3 M
FY 22 Revolving Fund Balance	\$1.3 M	\$63,000	\$6.8 M	\$3 M	\$2.1 M
Revolving Fund as a % of Agency Expenditures	65%	2%	145%	94%	40%

Source: Agency Revolving Funds Report

Appendix I: Attorney General Contract and FTE Data

State Attorney General Contracts FY23			
Agency	Contract Amount	# of FTE Attorneys	Cost of One FT Attorney
Cosmetology	64,580	0.5	129,160
Horse Racing	24,246	0.2	121,232
Medical	268,212	2.25	119,205
Nursing 1	99,600	0.75	132,800
Nursing 2	50,659	0.35	144,741
Pharmacy	102,572	0.75	136,762

Note: The OAG's Legal Counsel Division provides legal services based on a percentage of the assigned attorney's time and covers salary and benefits, plus non-salary costs incurred in connection with the provision of legal services.

Source: Agency legal service contracts

Appendix J: Technology Related Expenditures, by Agency

Information Technology Related Expenditures to All Vendors												
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	Grand Total
Cosmetology	\$ 57,820	\$ 42,777	\$ 46,498	\$ 54,843	\$ 51,572	\$ 110,302	\$ 103,975	\$ 115,288	\$ 171,793	\$ 182,218	\$ 118,725	\$ 1,055,810
Horse Racing	\$ 90,755	\$ 172,807	\$ 155,136	\$ 137,627	\$ 87,728	\$ 48,653	\$ 30,835	\$ 38,374	\$ 43,621	\$ 64,172	\$ 64,156	\$ 933,863
Medical	\$ 403,522	\$ 334,972	\$ 372,157	\$ 373,304	\$ 330,236	\$ 268,885	\$ 681,679	\$ 558,441	\$ 524,027	\$ 635,385	\$ 603,454	\$ 5,086,062
Nursing	\$ 197,749	\$ 222,034	\$ 245,118	\$ 259,900	\$ 247,909	\$ 210,323	\$ 219,250	\$ 294,651	\$ 321,214	\$ 163,761	\$ 84,194	\$ 2,466,104
Pharmacy	\$ 120,370	\$ 157,014	\$ 181,339	\$ 127,443	\$ 154,168	\$ 147,648	\$ 53,395	\$ 117,650	\$ 56,612	\$ 64,047	\$ 145,023	\$ 1,324,709

Information Technology Related Expenditures to OMES												
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	Grand Total
Cosmetology	\$ 10,861	\$ 10,429	\$ 14,688	\$ 19,725	\$ 16,297	\$ 20,565	\$ 22,032	\$ 32,239	\$ 45,254	\$ 51,111	\$ 48,025	\$ 291,227
Horse Racing	\$ 36,400	\$ 99,839	\$ 97,533	\$ 96,012	\$ 8,074	\$ 2,049	\$ 1,316	\$ -	\$ -	\$ -	\$ -	\$ 341,223
Medical	\$ 28,377	\$ 54,308	\$ 47,885	\$ 40,146	\$ 47,998	\$ 45,691	\$ 212,289	\$ 63,625	\$ 59,708	\$ 109,301	\$ 111,663	\$ 820,991
Nursing	\$ 33,048	\$ 153,573	\$ 210,569	\$ 168,878	\$ 165,307	\$ 170,443	\$ 176,498	\$ 236,880	\$ 262,015	\$ 118,890	\$ 53,460	\$ 1,749,562
Pharmacy	\$ 9,613	\$ 34,124	\$ 88,210	\$ 50,938	\$ 48,457	\$ 50,480	\$ 16,339	\$ 86,953	\$ 6,668	\$ 6,132	\$ 18,756	\$ 416,670

Information Technology Related Expenditures to Other Vendors												
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	Grand Total
Cosmetology	\$ 46,959	\$ 32,347	\$ 31,810	\$ 35,118	\$ 35,275	\$ 89,738	\$ 81,943	\$ 83,049	\$ 126,539	\$ 131,107	\$ 70,699	\$ 764,583
Horse Racing	\$ 54,355	\$ 72,968	\$ 57,603	\$ 41,615	\$ 79,654	\$ 46,605	\$ 29,519	\$ 38,374	\$ 43,621	\$ 64,172	\$ 64,156	\$ 592,641
Medical	\$ 375,145	\$ 280,664	\$ 324,271	\$ 333,159	\$ 282,238	\$ 223,193	\$ 469,389	\$ 494,817	\$ 464,320	\$ 526,085	\$ 491,790	\$ 4,265,071
Nursing	\$ 164,702	\$ 68,461	\$ 34,549	\$ 91,022	\$ 82,602	\$ 39,881	\$ 42,751	\$ 57,771	\$ 59,199	\$ 44,871	\$ 30,734	\$ 716,542
Pharmacy	\$ 110,758	\$ 122,889	\$ 93,128	\$ 76,505	\$ 105,712	\$ 97,168	\$ 37,055	\$ 30,698	\$ 49,944	\$ 57,915	\$ 126,266	\$ 908,039

Source: Agency specific PeopleSoft reports analyzed as of 01/18/2023.

Agency Response

- *LOFT Response, October 14, 2022*
- *Oklahoma Board of Cosmetology and Barbering Response, October 13, 2022*
- *Oklahoma Horse Racing Commission, October 13, 2022*
- *Oklahoma State Board of Medical Licensure and Supervision, October 13, 2022*
- *Oklahoma State Board of Nursing, October 13, 2022*
- *Oklahoma State Board of Pharmacy, October 13, 2022*



October 14, 2022

LOFT's consolidated comments on the responses from the five agencies reviewed

As part of LOFT's protocol, agencies are granted the opportunity to respond to the evaluation report and findings. For this rapid response evaluation, LOFT examined five non-appropriated agencies with occupational licensing authority. LOFT presents its response to agency comments in two sections: the first addressing broader responses made by the majority of the boards evaluated, and the second addressing portions of specific agency responses that warrant further clarification and correction. With this response LOFT seeks to address questions of fact, and not differences of opinion.

General Policy Response

In general, the agencies evaluated addressed concerns with LOFT's suggestion the Legislature consider centralizing oversight and accountability of occupational licensing boards, and LOFT's recommendation for the agencies to make the public aware of services provided.

Centralizing Oversight

LOFT proposes consideration of a new governance model that would ensure accountability, transparency and efficiency of licensing agencies while enhancing consumer services. Common concerns stated by the agencies reviewed are that this model would come at the cost of industry expertise. LOFT contends the expertise of industry professionals can be maintained under such a structure. The changes proposed are not driven by cost-savings, although there are certain efficiencies that could be achieved through sharing of non-industry specific staff and costs. Instead, the proposed changes address identified concerns about independent oversight by an authority not associated with the profession being regulated and who is empowered to overrule board actions when necessary. Additionally, an umbrella-type model would allow for a coordinated approach to public awareness and consumer protection services. **Accomplishing these goals does not require consolidation of all boards; this could be achieved while leaving existing boards intact.**

Public Awareness

Agencies' responses generally described public awareness efforts as being directed toward those licensed by the agency. LOFT's recommendation for public awareness is for efforts directed at the general public who are *receiving* services, not to those providing services. While agencies often noted that public information is available on their websites, the general public would have to first know a board exists in order to know to visit the website. The intention of this recommendation is to ensure that consumers are aware of licensing requirements and the ability to research a practitioner's complaint history, and that harmed consumers are aware of any actions that can be taken against a poor practitioner.

LOFT's response to claims of inaccuracy within report:***Board of Cosmetology and Barbering***

- As described in the agency's response, budget information, including carryover or reserve balances, is provided to their board. LOFT contends it should also be provided to the Legislature.
- In response to the Board's citation of administrative rules regarding reciprocity of massage therapists, LOFT has adjusted the report.

Horse Racing Commission

Regarding the Commission's relativity to other occupational licensing boards, LOFT agrees with the Commission's assessment, as noted in Footnote 49 of the report, "Because the Horse Racing Commission serves a slightly different mission from the other licensing boards, it may be appropriate to exclude the Commission from the direction of a licensing agency. Horse Racing uses licensing as a way to protect the integrity of the sport."

Medical

- The Board provided LOFT with year-by-year figures for complaints, which LOFT averaged for the data provided in Exhibit 25 of the report. The agency's response provides the most recent data for just 2021.
- LOFT maintains its statement that other states in the compact may not recognize Oklahoma's licenses. The Board provided additional context for the reasons prohibiting full reciprocity by other states. LOFT recognizes Oklahoma is awaiting full compact acceptance by the Interstate Medical Licensure Compact.

Nursing

- LOFT included in the draft report point in time figures for licensing and expenditures for Fiscal Year 2022 as of July 10, 2022. The Board provided the most recent figures as of October 13, 2022. LOFT has updated the report to reflect these figures.
- The agency describes its publishing of data pursuant to SB1691. However, that bill pertains to information about past criminal history of practitioners as part of criminal justice reform efforts to expand licensing. LOFT is recommending instead that the board make available data on the number of complaints against licensees, number of license suspensions or revocations, and fines.

Pharmacy

- As described in the report, LOFT agrees with the Board's assessment of the budget process. LOFT does not recommend that non-appropriated agencies go through the appropriations process, but that they provide the same budget information to the Legislature as appropriated agencies, including budget justification documents and details about carryover or reserve funds.
- Regarding the Board's response that license fees are set by Administrative Rule, LOFT confirmed that some license fees are capped in statute and has updated the report to reflect that. However, per 59 O.S. Section 353.11, the Board has the power to set fees for Pharmacist licenses.
- LOFT has added a note to Exhibit 3 explaining why Pharmacy is an outlier regarding salaries.

- Regarding the Board's additional comments regarding its leased costs, LOFT observed an agency document dated July 1, 2022 for a "building lease" between OMES and the Board of Pharmacy, the terms of which are for December 1, 2022 – June 30, 2023 at a rate of \$4,571.78 per month for a total of 8,440 square feet. The initial contract period began July 1, 2013 and has a 75-year option to renew. According to the Board's 2015-2016 Budget Performance Report to the State Senate, the Board saved fee revenue over 20 years to finance the new building construction.
- Regarding reviews by the Auditor and Inspector, the most recent review was conducted for FY2021. The board is on the same auditing schedule as appropriated agencies (non-annual), however, as a non-appropriated agency, the Board does not undergo annual legislative review.



Does the agency agree with the facts as presented?

While most of the facts presented within the LOFT report are true, there are some factual discrepancies. The Oklahoma State Board of Cosmetology and Barbering is vested with the duties necessary to enable it to carry out the provisions of the Oklahoma Cosmetology and Barbering Act fully and effectively. The Board sets forth minimum equipment and curriculum requirements to ensure compliance with the minimum standards set by rules, and issues licenses, performs inspections for schools, establishments, and industry professionals to regulate health and safety issues in all licensed establishments.

Additionally, the agency also administers all written and practical licensure examinations for cosmetology and barbering, and issues Massage Therapy licenses. The Advisory Board on Massage Therapy is made up of five members appointed by the Governor for four-year terms. The Advisory Board makes recommendations for Massage Therapy to the Cosmetology and Barbering Board, which is composed of 11 gubernatorial appointees. It is difficult for the Board to ensure that individuals are complying with the law for licensure without having establishment authority and, as a practical matter, there are no repercussions for not being a licensed massage therapist. The licensing of Massage Therapy protects the health and safety of citizens.

Does the agency agree with the recommendations related to this finding?

No, the agency does not agree with the recommendations of this finding. It is imperative that the Board, Executive Director, and inspectors have worked, or are working, within the industry to facilitate wise decision-making that guides the agency to better serve the licensees and the public. The Executive Director and inspection team must have a strong working knowledge of infection control procedures and how those procedures must be applied within the different disciplines of cosmetology and barbering to protect the public and our licensees. The significance of having industry professionals adjudicate and provide oversight and guidance to the licensees and the public cannot be overstated. Additionally, the atmosphere of the agency is not conducive to a shared space as it is loud and sometimes boisterous. Providing an atmosphere that allows multiple people to converse via phone or in person in one room, and quiet enough to test in an adjacent room is critical to the work that the Board does in order to provide the highest quality of service to the licensees and citizens of Oklahoma. Therefore, combining with another agency is not favored. It would be destructive to assume that non-licensed and non-experienced persons could perform the inspections, testing, and education responsibilities that the Board currently provides.



Public awareness is served thru licensure, performing mock board demonstrations at schools, the Board's presence at trade shows, and through personal contact during on-site inspections. The website prominently displays the mission and vision of the agency and is available for public view. The site list contact information, the rulebook, Board agendas, as well as consumer information to support public awareness. The agency office is open to the public Monday thru Friday from 7:30am to 4:00 pm. Any Oklahoman can have an awareness of the Oklahoma State Board of Cosmetology and Barbering and its mission by browsing the website.

Does the agency have any comments to offer in direct response to the contents of the report?

Yes, the agency has several comments to offer in response to the contents of the report and those comments are listed below:

-OMES provides the agency accounting services and does produce reports which include personnel expenditures, carry over, and cash balances which are reviewed for budget justification at each Board meeting. The agency does have an annually-required IT audit.

-Each Board member is truly affiliated to the Cosmetology and Barbering industry either as a licensee or a school owner/administrator, except for one lay public member. All Board members are appointed by the Governor. The fact that the Board members are affiliated and fully immersed within the industry provides a valuable source of guidance to better serve the 76,598 licensed professionals who work under the umbrella of cosmetology and barbering.

-It is worth noting that the Board is self-funded and will need its financial reserves to provide the updated website, new licensing software, additional testing space, and adequate staffing and salaries. The agency will request an across-the-board fee increase to sustain the modernization of the agency and continue to support professionals and protect the health and welfare of the public.

-The Oklahoma State Board of Cosmetology and Barbering website is available for the public viewing, and it displays both the mission and vision of the Board. Also, the website provides consumer information about how to file a complaint along with a digital copy of the rulebook.

-Public awareness is created through our website as well as the inspection team. The inspectors educate and inspect the establishments and licensees statewide.



-The agency is in the process of implementing a contract with Thentia which will enable more transparency and better communication with licensees.

-With over 76,000 licensees, the supply of professionals working within the market facilitates affordable industry pricing for public consumption.

-The Oklahoma State Board of Cosmetology and Barbering offers both foreign and state reciprocity to licensees.

-The state currently has over 550 convicted felons working within the industry as licensed professionals and offers short course licensure to expedite a career path for those who do not wish to attend the inclusive cosmetology course.

-The statement made in the rapid response evaluation, "The Board also has a duty to make publicly available all records of applications, inspections, and investigations" is not completely accurate.

Pursuant to 59 O.S., § 199.3(B)(3), "***records and information obtained in connection with an investigation of alleged violations, including complaints***, identity of a complainant, investigative reports, and documentation or images generated or received during the course of an investigation, ***shall be confidential and shall not be subject to disclosure.***" Investigation-related materials will not be disclosed unless and until a citation or disciplinary hearing has occurred and the licensee has had due process on the claims alleged by the complainant.

The Attorney General's office reviews all revocation cases as to prevent the possibility of any antitrust issues. The attorneys also advise as to the timing of the aggregated disciplinary data that should be made public. Therefore, the Board does take precautionary steps prior to making data publicly available. Various reports promote transparency regarding expenses and the agency is in the process of implementing Thentia software which will facilitate transparency and reporting. All rules are reviewed by the Legislature and/or the Governor which provides oversight to the agency. Therefore, the Board does take precautionary steps prior to making data publicly available and does intend to be transparent.

-The tuition and fees for 1500 hours of training do not necessarily average \$21,000 as your report noted. According to coursefinder.com, many Oklahoma cosmetology schools offer tuitions that fall well below that number and post tuition as low as \$11,297.00. Students may attend a Career Tech program while in high school which does not require the student to pay



any tuition at all. Cosmetology offers licenses for short courses such as facialist and manicurist which require only 600 hours of coursework and would result in a lower tuition per clock hour. These short courses are more affordable and require less of an investment in time for the student. Financial aid is available to students who attend any accredited school. Professional trade organizations such as Beauty Changes Lives and AACs offer grants to help students with the cost of school. According to [Trent Hamm, Founder of The Simple Dollar](#), students who attend trade school graduate with an average of \$10,000 of debt, while students who attend college collect an average student debt of \$36,327, after interest. Cosmetology schools come with a variety of curriculums, kits, or specialties and the tuition often reflects that; however, all students take the same licensure examination.

-The statement, “The current administrative rules on reciprocity do not include recognition of out-of-state Massage Therapy licenses,” is not accurate. Licensure by reciprocity for Massage Therapists is expressly allowed by OAC 175:20-5-2. Reciprocity is granted to a licensed Massage Therapist from another state if the applicant qualifies as stipulated by rules.

-Oklahoma State Board of Cosmetology and Barbering safeguards the health and welfare of Oklahomans by enforcing professional standards. For the current year 2022, Oklahoma State Board of Cosmetology and Barbering has issued 213 citations. The agency has received 163 complaints. 110 of those complaints are resolved. 51 of the complaints are still open and have been assigned and/or are being investigated. 2 of the complaints were logged but were unassigned. Key performance indicators are tracked for both complaints and citations. Attorneys review citations before putting them before the Board for consideration. By tracking all complaints and citations, the agency safeguards the public by resolving complaints and following up with inspections.

Overall, it would not be in the best interest of the licensees of Oklahoma or the public to have a centralized agency. Oklahoma State Board of Cosmetology and Barbering safeguards the health and welfare of Oklahomans. Our knowledgeable Board is fully immersed within the industry and renders sound decisions in support of our mission.



**State of Oklahoma
Oklahoma Horse Racing Commission**

October 13, 2022

LOFT Report: Evaluation of Non-Appropriated Agencies

Agency Response

- Does the agency agree with the facts presented?

The Oklahoma Horse Racing Commission agrees with the facts presented.

- Does the agency agree with the recommendations related to this finding?

The two (2) agency recommendations made on page 32 can be met.

- Does the agency have any comments to offer in direct response to the contents of the report?

The Oklahoma Horse Racing Commission is against centralizing all licensing boards in the state of Oklahoma under one agency, due to the uniqueness of the horse racing and gaming industry. Both are highly regulated and very industry specific. It takes industry trained professionals to ensure the regulatory aspect is met. Under the current commission, there is a variety of horse racing and gaming industry members, both involved and non-involved in the performance sport or closely related field. A centralized licensing agency will not have the background to assist the public they serve. Licensing in the horse racing and gaming industries go beyond just licensing individuals engaging in an occupation. Regulation of horse racing and gaming requires significant physical oversight such as prohibited substance testing on horses, on site monitoring and regulation of horse races and gaming machines, and involvement with horses and licensees across the country that create unique components unlike most other regulatory licensing agencies that would create significant hurdles and complications to consolidation.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. G. Cathey".

Kelly G Cathey,
Executive Director



State of Oklahoma

Board of Medical Licensure & Supervision

101 N.E. 51st Street • Oklahoma City, Oklahoma 73105-1821

October 12, 2022

Mr. Mike Jackson, Executive Director
Legislative Office of Fiscal Transparency
2300 N. Lincoln Boulevard, Room 107
Oklahoma City, OK 73105

Dear Director Jackson:

This is a formal, written response addressing the following questions.

Does your agency agree with the facts as presented?

As the facts were provided by this agency, we certainly agree with them. The concern is the interpretation of those facts. For example, the 2021 total complaints received were 801; however, the actual evidence-based investigated complaints were 142.

Annually, the Medical Board approves the budget and financials with the carryover fund fully stated in open session. We can certainly make that information available to the legislative leadership and executive branch. OMES has all the financial information and can easily determine any line item they need, and we have provided the information to them, as well, as part of a survey or report.

The information on the Medical Board compact licensure status is NOT correct. Oklahoma's Legislature enacted HB 2351, entering Oklahoma into the Interstate Medical Licensure Compact, effective Nov. 1, 2019. The Medical Board is fully compliant as a **state of principle licensure ("SPL")**. The Interstate Medical Licensure Compact Commission ("IMLCC") will not accept the MD Board's SPL status until the Oklahoma Osteopathic Examiners Board becomes an SPL. They are currently in the process of meeting those requirements.

Does the agency agree with the recommendations related to this finding?

The report and recommendations are a total overhaul of the current Oklahoma non-appropriated agency setup. Due to the magnitude of the recommendations, I will need to take the report to the full Medical Board for their assessment and response to these questions.

Does the agency have any comments to offer in direct response to the contents of the report?

Again, the report and recommendations are such a departure from the current agency operations, the Medical Board members deserve to be involved in such a monumental governmental overhaul.

Thank you for the opportunity to respond.

Sincerely,

Lyle Kelsey
Executive Director

CC: Mike Davis, Program Evaluator



OKLAHOMA BOARD OF NURSING

Physical address: 2501 N. LINCOLN BOULEVARD • SUITE 207 • OKLAHOMA CITY, OK 73105 • (405) 962-1800
Mailing address: PO Box 52926 • OKLAHOMA CITY, OK 73152 • Fax (405) 962-1821 • www.nursing.ok.gov

To: Legislative Office of Fiscal Transparency
Attn: Mike Jackson, Executive Director

From: Jenny Barnhouse DNP, RN, Executive Director
Oklahoma Board of Nursing

Date: October 13, 2022

Dear Sir,

Please accept this letter as the agency's written response to the Legislative Office of Fiscal Transparency (LOFT) DRAFT Rapid Response Non-Appropriated Agencies Report.

LOFT Question #1: Does the agency agree with the facts as presented?

We do not agree that the data/information reflected in the draft LOFT report received October 7, 2022 accurately reflects the data provided to LOFT, by the agency. However, after meeting with LOFT staff on October 13, 2022, we have been assured that the correct data/information will be included in the final LOFT report. A copy of the agency data/information has been provided as an attachment to this letter.

LOFT Question #2: Does the agency agree with the recommendations related to this finding?

Recommendation a.- *Make publicly available on each agencies' websites aggregated disciplinary data for licensees.* The agency is prepared to make publicly available on its website aggregate disciplinary data for licensees in accordance with SB1691.

Recommendation b.- *Engage in activities to make the public aware of the services provided by the licensing agency.* The agency works to increase the public's awareness of its services through public presentations to nursing students and licensees at schools of nursing, professional nursing organizations, healthcare facilities, etc. upon request; maintains the agency website; issues e-newsletters and email blasts to all active licensees; communicates at Board meetings in compliance with the Open Meetings Act.

LOFT Question #3: Does the agency have any comments to offer in direct response to the contents of the report?

According to the most recently published Commitment to Ongoing Regulatory Excellence report from the National Council of State Boards of Nursing (2018), national performance indicators provide evidence of greater efficiencies among independent Boards of Nursing than those of "umbrella" Boards. Supporting data is available for review upon request.

Respectfully,

A handwritten signature in cursive ink that appears to read "Jenny Barnhouse".

Jenny Barnhouse DNP, RN



OKLAHOMA

State Board of Pharmacy

3815 N Santa Fe Ave Ste 300 • Oklahoma City, OK 73118-8500
pharmacy@pharmacy.ok.gov • www.pharmacy.ok.gov
Dr. Marty Hendrick, PharmD, D.Ph., Executive Director
Phone: 405.521.3815 • Fax: 405.521.3758

October 12, 2022

Please note new temporary address

Mike Jackson, Executive Director
Legislative Office of Fiscal Transparency
2300 N Lincoln Blvd Room 107
Oklahoma City, OK 73105

Dear Mr. Jackson,

Agency Response Loft Report: Evaluation of Non-Appropriated Agencies

- *Does the agency agree with the facts as presented?*
- *Does the agency agree with the recommendations related to this finding?*
- *Does the agency have any comments to offer in direct response to the contents of the report?*

On Page 1, paragraph 3 it states in pertinent part:

These non-appropriated agencies do not go through the legislative appropriations process, nor are they required to submit details about expenditures and fund balances; budget details that are required of appropriated agencies.

Pharmacy Board Notes:

- Our non-appropriated agency does not go through the legislative "appropriation process".
- However, our non-appropriated agency is required to submit details about expenditures, fund balances, and budget details. This information is reported on an annual basis to OMES and the legislature through the budget work program and budget request.

On Page 3, Paragraph 3 it states in pertinent part:

Fees for the Medical and Pharmacy licenses are set via Administrative Rule.¹³

Pharmacy Board Notes:

- Pharmacy Board fees are set by Administrative Rule, within the fee limit in statute.



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On Page 4, Employee Compensation and Salary

Pharmacy Board Note:

- Half of our staff are licensed pharmacists, increasing the average compensation.

On Page 4 of the Draft " footnote

¹⁵ 1997 OK AG 42 "We can reasonably assume that the purpose of this statute is to require those licensed and those who seek licensure from the State to fund the costs of such actions by the State outside of those undertaken by the agency."

Pharmacy Board Note:

- For years we were told that this 10% was to pay for state central services. In fact, in the past when central agencies wanted to bill our agency the legislature pointed to this and disallowed that additional billing.
- OMES removed this 10% expenditure from being reported in our budget.
- Now central service agencies are billing for services.
- Since the legislature no longer sees this expenditure, they no longer limit billing.

On Page 21

Source: Data provided by Pharmacy Board, Title 59, and the Pharmacy Act.

Must be a licensed Pharmacist prior to becoming a preceptor.

Pharmacies are responsible for building and delivering training programs for Technicians.

***Drug supplier is a Retail Pharmacy which supplies larger commercial orders
(these sales are limited to 5% of total revenue).***

Manufacturing licensing requirements are an extension of federal regulations.

This is a pharmacy which conducts business in Oklahoma without physical location in the State.

Pharmacy Board Notes:

- Pharmacies are responsible for building and delivering training programs for Technicians. These training programs must meet the Pharmacy Technician Training Guidelines.
- Drug Supplier is a Retail Pharmacy which supplies prescription medications to doctors for office use, to a pharmacy or to another healthcare practitioner who is entitled to prescribe, primarily to allow access and deal with shortages. The Drug supplier permit for a retail pharmacy does not allow "larger commercial orders".



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- Prescription drug Manufacturing Licensing has occurred in Oklahoma for over 50 years. In recent years, the federal Prescription Drug Marketing Act changed how states may license and regulate manufacturers.
- Non-resident pharmacies are licensed and must meet Oklahoma requirements to deliver patient specific prescriptions to Oklahoma residents.

On Page 23

For example, each of the licensing boards leases office space, for a combined expense of more than \$300,000 in annual leasing costs.³⁶

Pharmacy Board Notes:

- The Pharmacy Board built the Pharmacy Board building together with OMES Construction and Properties.
- The Dental Board, the Veterinary Board and the Pharmacy Board all share space in the Pharmacy Board Building. We share meeting rooms, restrooms and lobby areas. We also allow other state entities to utilize our Board room when time and space are available.
- We share switches, the switch battery backup, and wireless in the building. We have shared MF Printers / fax when the agencies were down for repairs. We use OMES shared services for payroll while the other two Boards use shared services more fully.

On Page 23-24

With the exception of the Horse Racing Commission, licensing boards are not subject to extra review by the office of the Auditor and Inspector.

Pharmacy Board Notes:

- Our agency is subject to review by the Auditor and Inspector. They review our agency regularly.

On Page 24

While licensing boards are required to follow the same budgetary guidelines as appropriated agencies, there is no formal process for non-appropriated agencies to report carryover or funds in reserve, and neither OMES nor the Legislature receives this information annually.

Pharmacy Board Notes:

A Constitutional Board Established in 1907



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- Pharmacy Board's Budget Work Program and Budget Request will not include those items specific to appropriations.
- Carryover applies to appropriations. We do not receive appropriations.
- The formal process of Budget Request and the Budget Work Program report our continuing fund balances and detail personnel expenditures and are sent to OMES and the Legislature annually.

Currently, under Executive Order 2019-17, non-rulemaking decisions by Oklahoma's licensing boards are reviewed by the Attorney General's (AG) office and boards are required to comply with the AG's guidance.

Pharmacy Board Notes:

- The Attorney General must approve our final orders for them to be effective.

On Page 25

Oklahoma classified as fully autonomous in governance and decision-making

Pharmacy Board Notes:

- Pharmacy Board complies with OMES purchasing, OMES leasing, OMES voucher payment, payroll, and accounting, OMES budgeting and many other requirements of OMES and state law. The Attorney General must review and approve our final orders for them to be effective.
- This appears to make us a state with mixed governance and authority.

On Page 32

- Alternatively, if not under a centralized structure, assigning an elected or appointed-and-confirmed state official with the duty to review and power to overrule board actions.
- Requiring non appropriated agencies to provide the same budgetary documentation required of appropriated agencies, including the Budget Justification form and information about reserve balances.
-

Pharmacy Board Notes:

- Pharmacy Board members, who make decisions, are appointed and confirmed state officials.



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- The formal process of Budget Request and the Budget Work Program report our continuing fund balances, expenditures including detail personnel expenditures and income and are sent to OMES and the Legislature annually.

On Page A3

Pharmacy Board - \$6,050,701.

Pharmacy Board Notes:

- This budget includes capital repairs to our Pharmacy Board Building following settlement. After these capital repairs we will return to a more traditional budget.

Sincerely,

Mary Ann Terral, Principal Assistant

