

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1446

By: Gann

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to sunset; amending 59 O.S. 2011,
10 Section 137, as amended by Section 1, Chapter 235,
11 O.S.L. 2015 (59 O.S. Supp. 2018, Section 137), which
12 relates to the Board of Podiatric Medical Examiners;
13 re-creating the Board; and modifying termination
14 date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 59 O.S. 2011, Section 137, as
17 amended by Section 1, Chapter 235, O.S.L. 2015 (59 O.S. Supp. 2018,
18 Section 137), is amended to read as follows:

19 Section 137. A. A Board of Podiatric Medical Examiners is
20 hereby re-created, to continue until July 1, ~~2019~~ 2020, in
21 accordance with the provisions of the Oklahoma Sunset Law. Said
22 Board shall regulate the practice of podiatric medicine in this
23 state in accordance with the provisions of the Podiatric Medicine
24 Practice Act. The Board, appointed by the Governor, shall be

1 composed of five podiatric physicians licensed to practice podiatric
2 medicine in this state and one lay member representing the public.

3 B. Each podiatric physician member of the Board shall:

4 1. Be a legal resident of this state;

5 2. Have practiced podiatric medicine continuously in this state
6 during the three (3) years immediately preceding his appointment to
7 the Board;

8 3. Be free of pending disciplinary action or active
9 investigation by the Board; and

10 4. Be a member in good standing of the American Podiatric
11 Medical Association and of the Oklahoma Podiatric Medical
12 Association.

13 C. The lay member of the Board shall:

14 1. Be a legal resident of this state;

15 2. Not be a registered or licensed practitioner of any of the
16 healing arts or be related, within the third degree of consanguinity
17 or affinity, to any such person; and

18 3. Participate in Board proceedings only for the purposes of:

19 a. reviewing, investigating and disposing of written
20 complaints regarding the conduct of podiatric
21 physicians; and

22 b. formulating, adopting and promulgating rules pursuant
23 to Article I of the Administrative Procedures Act.
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1 D. Except as provided in subsection E of this section, the term
2 of office of each podiatric physician member of the Board shall be
3 five (5) years, with one such member being appointed to the Board
4 each year. The lay member of the Board shall serve a term
5 coterminous with that of the Governor. Each member shall hold
6 office until the expiration of the term for which appointed or until
7 a qualified successor has been duly appointed. An appointment shall
8 be made by the Governor within ninety (90) days after the expiration
9 of the term of any member, or the occurrence of a vacancy on the
10 Board due to resignation, death, or any other cause resulting in an
11 unexpired term. The appointment of the podiatric physician members
12 shall be made from a list of not less than five persons submitted
13 annually to the Governor by the Oklahoma Podiatric Medical
14 Association.

15 E. Each of the three podiatric physician members of the Board,
16 serving on the effective date of this act, shall complete the term
17 of office for which he was appointed, and the successor to each such
18 member shall be appointed for a term of five (5) years. Within
19 sixty (60) days after the effective date of this act, the Governor
20 shall appoint two new podiatric physician members to the Board, one
21 for a term expiring July 1, 1997, and one for a term expiring on
22 July 1, 1998. The successor to each such new member shall be
23 appointed for a term of five (5) years.

1 F. Before assuming his duties on the Board, each member shall
2 take and subscribe to the oath or affirmation provided in Article XV
3 of the Oklahoma Constitution, which oath or affirmation shall be
4 administered and filed as provided in said article.

5 G. A member may be removed from the Board by the Governor for
6 cause which shall include, but not be limited to:

7 1. Ceasing to be qualified;

8 2. Being found guilty by a court of competent jurisdiction of a
9 felony or of any offense involving moral turpitude;

10 3. Being found guilty, through due process, of malfeasance,
11 misfeasance or nonfeasance in relation to his Board duties;

12 4. Being found mentally incompetent by a court of competent
13 jurisdiction;

14 5. Being found in violation of any provision of the Podiatric
15 Medicine Practice Act; or

16 6. Failing to attend three consecutive meetings of the Board
17 without just cause, as determined by the Board.

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19 COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES, dated
20 02/26/2019 - DO PASS, As Amended.
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