

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 ENGROSSED SENATE
5 BILL NO. 387

By: Floyd of the Senate

and

Roberts (Sean) of the House

10 An Act relating to the Oklahoma Chiropractic Practice
11 Act; amending 59 O.S. 2011, Section 161.2, which
12 relates to scope of practice; clarifying certain
13 condition; amending 59 O.S. 2011, Section 161.3, as
14 amended by Section 1, Chapter 94, O.S.L. 2018 (59
15 O.S. Supp. 2018, Section 161.3), which relates to
16 definitions; modifying definition; amending 59 O.S.
17 2011, Section 161.6, as last amended by Section 2,
18 Chapter 94, O.S.L. 2018 (59 O.S. Supp. 2018, Section
19 161.6), which relates to powers of Board; modifying
20 certain power; broadening certain authority of out-
21 of-state licensed chiropractic physicians; amending
22 59 O.S. 2011, Section 161.7, as last amended by
23 Section 3, Chapter 94, O.S.L. 2018 (59 O.S. Supp.
24 2018, Section 161.7), which relates to application
 for original license by examination; striking certain
 application requirement; transferring certain duty to
 Executive Director; providing for temporary license;
 amending 59 O.S. 2011, Section 161.9, as amended by
 Section 4, Chapter 94, O.S.L. 2018 (59 O.S. Supp.
 2018, Section 161.9), which relates to application
 for original license by relocation of practice;
 reducing certain licensure requirement; setting forth
 provisions related to temporary license; amending 59
 O.S. 2011, Section 161.11, as amended by Section 6,
 Chapter 94, O.S.L. 2018 (59 O.S. Supp. 2018, Section
 161.11), which relates to annual renewal license;
 modifying fee amount; modifying date of suspension;
 updating term; amending 59 O.S. 2011, Section 161.12,

1 which relates to penalties; adding certain penalty;
2 repealing Section 1, Chapter 57, O.S.L. 2018 (59 O.S.
3 Supp. 2018, Section 161.11), which relates to annual
4 renewal license; and providing an effective date.

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

6 SECTION 1. AMENDATORY 59 O.S. 2011, Section 161.2, is
7 amended to read as follows:

8 Section 161.2. A. Chiropractic is the science and art that
9 teaches health in anatomic relation and disease or abnormality in
10 anatomic disrelation, and includes hygienic, sanitary and
11 therapeutic measures incident thereto in humans. The scope of
12 practice of chiropractic shall include those diagnostic and
13 treatment services and procedures which have been taught by an
14 accredited chiropractic college and have been approved by the Board
15 of Chiropractic Examiners.

16 B. A chiropractic physician may engage in the practice of
17 animal chiropractic diagnosis and treatment if certified to do so by
18 the Board. A licensed chiropractic physician may provide
19 chiropractic treatment to an animal without being certified in
20 animal chiropractic diagnosis and treatment by the Board if an
21 animal has been referred to the chiropractic physician by a licensed
22 veterinarian in writing.

1 SECTION 2. AMENDATORY 59 O.S. 2011, Section 161.3, as
2 amended by Section 1, Chapter 94, O.S.L. 2018 (59 O.S. Supp. 2018,
3 Section 161.3), is amended to read as follows:

4 Section 161.3. As used in the Oklahoma Chiropractic Practice
5 Act, these words, phrases or terms, unless the context otherwise
6 indicates, shall have the following meanings:

7 1. "Accredited chiropractic college" means a chiropractic
8 educational institution which is accredited by an accrediting agency
9 recognized by the U.S. Department of Education;

10 2. "Animal chiropractic diagnosis and treatment" means
11 treatment that includes vertebral subluxation complex (vsc) and
12 spinal manipulation of nonhuman vertebrates. The term "animal
13 chiropractic diagnosis and treatment" shall not be construed to
14 allow the:

- 15 a. use of x-rays,
- 16 b. performing of surgery,
- 17 c. dispensing or administering of medications, or
- 18 d. performance of traditional veterinary care;

19 3. "Applicant" means any person submitting an application for
20 licensure to the Board;

21 4. "Board" means the Board of Chiropractic Examiners;

22 5. "Certified chiropractic assistant" means an unlicensed
23 member of a chiropractic physician's team of healthcare workers who
24 may assist a chiropractic physician in the performance of

1 examination and therapeutic procedures and techniques necessary to
2 deliver healthcare services to patients within the scope of
3 chiropractic and has been certified by the Board;

4 6. "Chiropractic physician", "chiropractor", "doctor of
5 chiropractic", "practitioner of chiropractic" and "licensee" are
6 synonymous and mean a person holding an original license to practice
7 chiropractic in this state;

8 7. "Examination" means the process used by the Board, prior to
9 the issuance of an original license, to test the qualifications and
10 knowledge of an applicant on any or all of the following: current
11 statutes, rules or any of those subjects listed in Section 161.8 of
12 this title;

13 8. "Intern" means a student at an accredited chiropractic
14 college who is participating in the Chiropractic Undergraduate
15 Preceptorship Program;

16 9. "Nonclinical" means of a business nature including, but not
17 limited to, practice management, insurance information, and computer
18 information. It shall also mean the discussion of philosophy as it
19 relates to the performance of chiropractic;

20 10. "Original license" means a license granting initial
21 authorization to practice chiropractic in this state issued by the
22 Board to an applicant found by the Board to meet the licensing
23 requirements of the Oklahoma Chiropractic Practice Act, by
24 examination pursuant to Section 161.7 of this title, or by

1 ~~reciprocity~~ relocation of practice pursuant to Section 161.9 of this
2 title;

3 11. "Preceptor" means a chiropractic physician who is
4 participating in the Chiropractic Undergraduate Preceptorship
5 Program;

6 12. "Relocation of practice" means the recognition and approval
7 by the Board, prior to the issuance of an original license, of the
8 chiropractic licensing process in another state, country, territory
9 or province; and

10 13. "Renewal license" means a license issued to a chiropractic
11 physician by the Board, on or before the first day of July of each
12 year, which authorizes such licensee to practice chiropractic in
13 this state during the succeeding calendar year.

14 SECTION 3. AMENDATORY 59 O.S. 2011, Section 161.6, as
15 last amended by Section 2, Chapter 94, O.S.L. 2018 (59 O.S. Supp.
16 2018, Section 161.6), is amended to read as follows:

17 Section 161.6. A. Pursuant to and in compliance with Article I
18 of the Administrative Procedures Act, the Board of Chiropractic
19 Examiners shall have the power to formulate, adopt and promulgate
20 rules as may be necessary to regulate the practice of chiropractic
21 in this state and to implement and enforce the provisions of the
22 Oklahoma Chiropractic Practice Act.

23 B. The Board is authorized and empowered to:
24

1 1. Establish and maintain a procedure or system for the
2 certification or accreditation of chiropractic physicians who are
3 qualified in chiropractic post-doctorate Diplomate and all other
4 chiropractic specialties;

5 2. Establish a registration system and adopt and enforce
6 standards for the education and training of chiropractic physicians
7 who engage in the business of issuing professional opinions on the
8 condition, prognosis or treatment of a patient;

9 3. Adopt and enforce standards governing the professional
10 conduct of chiropractic physicians, consistent with the provisions
11 of the Oklahoma Chiropractic Practice Act, for the purpose of
12 establishing and maintaining a high standard of honesty, dignity,
13 integrity and proficiency in the profession;

14 4. Lease office space for the purpose of operating and
15 maintaining a state office, and pay the rent thereon; provided,
16 however, such state office shall not be located in or directly
17 adjacent to the office of any practicing chiropractic physician;

18 5. Purchase office furniture, equipment and supplies;

19 6. ~~Employ, direct, reimburse, evaluate, and dismiss such office~~
20 ~~personnel, as may be necessary, in accordance with state procedures~~
21 an Executive Director who shall serve as the Chief Administrative
22 Officer of the agency. The Executive Director shall have the
23 authority to employ other persons as necessary to maintain the
24

1 operations of the Board and shall perform such other duties as the
2 Board may prescribe;

3 7. Employ legal counsel, as needed, to represent the Board in
4 all legal matters and to assist authorized state officers in
5 prosecuting or restraining violations of the Oklahoma Chiropractic
6 Practice Act, and pay the fees for such services;

7 8. Order or subpoena the attendance of witnesses, the
8 inspection of records and premises and the production of relevant
9 books and papers for the investigation of matters that may come
10 before the Board;

11 9. Employ or contract with one or more investigators, as
12 needed, for the sole purpose of investigating written complaints
13 regarding the conduct of chiropractic physicians, and fix and pay
14 their salaries or wages. Any investigator shall be certified as a
15 peace officer by the Council on Law Enforcement Education and
16 Training and shall have statewide jurisdiction to perform the duties
17 authorized by this section;

18 10. Pay the costs of such research programs in chiropractic as
19 in the determination of the Board would be beneficial to the
20 chiropractic physicians in this state;

21 11. Establish minimum standards for continuing education
22 programs administered by chiropractic associations pursuant to
23 Section 161.11 of this title;

1 12. Make such other expenditures as may be necessary in the
2 performance of its duties;

3 13. Establish appropriate fees and charges to implement the
4 provisions of the Oklahoma Chiropractic Practice Act;

5 14. Establish policies for Board operations;

6 15. Determine and direct Board operating administrative,
7 personnel and budget policies and procedures in accordance with
8 applicable statutes;

9 16. Provide travel expenses for at least the Executive Director
10 and provide travel expenses for members of the Board to attend an
11 annual national conference. The Board shall give each member the
12 opportunity to attend the annual national conference;

13 17. Require applicants for an original license to submit to a
14 national criminal history record check pursuant to Section 150.9 of
15 Title 74 of the Oklahoma Statutes. The costs associated with the
16 national criminal history record check shall be paid directly by the
17 applicant;

18 18. Out-of-state licensed chiropractic physicians may travel
19 into Oklahoma to treat patients for special events including, but
20 not limited to, sporting events and state emergencies, and to assist
21 in treating patients for those chiropractic physicians who are
22 unable to practice for medical reasons within the borders of
23 Oklahoma after properly registering with the Board of Chiropractic
24 Examiners; and

1 19. The Board of Chiropractic Examiners, by rule, shall
2 promulgate a code of ethics.

3 C. The Board shall promulgate rules regarding continuing
4 education seminars or courses or license renewal seminars or courses
5 including, but not limited to, the qualifications of an applicant,
6 association or entity seeking to sponsor a seminar or course, where
7 the association or entity is domiciled, whether the association or
8 entity is classified as a nonprofit organization, and the
9 educational experience of instructors applying to conduct a seminar
10 or course. The Board shall also promulgate rules regarding
11 certified chiropractic assistants.

12 D. 1. The Board shall appoint an Advisory Committee of a
13 minimum of four and no more than six chiropractic physicians and one
14 lay member representing the public who may advise and assist the
15 Board in:

- 16 a. investigating the qualifications of applicants for an
17 original license to practice chiropractic in this
18 state,
- 19 b. investigating written complaints regarding the conduct
20 of chiropractic physicians, including alleged
21 violations of the Oklahoma Chiropractic Practice Act
22 or of the rules of the Board, and
- 23 c. such other matters as the Board shall delegate to
24 them.

1 2. The Advisory Committee shall be selected from a list of ten
2 chiropractic physicians and three lay persons submitted by each
3 chiropractic association or society in this state or any
4 unaffiliated chiropractic physician desiring to submit a list. The
5 term of service for members of the Advisory Committee shall be
6 determined by the Board. Members of the Advisory Committee shall be
7 reimbursed for all actual and necessary expenses incurred in the
8 performance of their duties in accordance with the State Travel
9 Reimbursement Act.

10 E. 1. After an initial complaint is received by the Board, the
11 Executive Director and the Chair of the Advisory Committee, or
12 designee, shall determine whether the complaint merits further
13 investigation. If a determination is made that the complaint merits
14 further investigation, the Executive Director, in consultation with
15 the Chair of the Advisory Committee, or designee, shall assign the
16 complaint to an investigator. The focus and scope of an
17 investigation shall pertain only to the subject of the complaint.

18 2. The complaint and findings of the investigator shall be
19 presented to the Advisory Committee for review. The Advisory
20 Committee, in consultation with the Board's prosecuting attorney,
21 shall make an informal recommendation for disposition of the
22 complaint to the Board.

23 F. 1. The Board, its employees, appointed committee members,
24 independent contractors or other agents of the Board shall keep

1 confidential the complaint and information obtained during an
2 investigation into violations of the Oklahoma Chiropractic Practice
3 Act; provided, however, such information may be introduced by the
4 state in administrative proceedings before the Board and the
5 information then becomes a public record.

6 2. The complaint and information obtained during the
7 investigation but not introduced in administrative proceedings shall
8 not be subject to subpoena or discovery in any civil or criminal
9 proceedings, except that the Board may give such information to law
10 enforcement and other state agencies as necessary and appropriate in
11 the discharge of the duties of that agency and only under
12 circumstances that ensure against unauthorized access to the
13 information.

14 3. The respondent may acquire information obtained during an
15 investigation, unless the disclosure of the information is otherwise
16 prohibited, except for the investigative report, if the respondent
17 signs a protective order whereby the respondent agrees to use the
18 information solely for the purpose of defense in the Board
19 proceeding and in any appeal therefrom and agrees not to otherwise
20 disclose the information.

21 G. The Board shall promulgate rules regarding the issuance of
22 field citations and the assessment of administrative penalties no
23 later than July 1, 2012. Administrative penalties for field
24 citations shall not exceed Two Hundred Fifty Dollars (\$250.00) for a

1 first offense and One Thousand Dollars (\$1,000.00) for a second or
2 subsequent offense.

3 H. The forfeiture, nonrenewal, surrender or voluntary
4 relinquishment of a license by a licensee shall not bar jurisdiction
5 by the Board to proceed with any investigation, action or proceeding
6 to revoke, suspend, condition or limit the licensee's license or
7 fine the licensee.

8 SECTION 4. AMENDATORY 59 O.S. 2011, Section 161.7, as
9 last amended by Section 3, Chapter 94, O.S.L. 2018 (59 O.S. Supp.
10 2018, Section 161.7), is amended to read as follows:

11 Section 161.7. A. 1. Applications for an original license by
12 examination to practice chiropractic in this state shall be made to
13 the Board of Chiropractic Examiners in writing on a form and in a
14 manner prescribed by the Board. ~~The application shall be supported~~
15 ~~by the affidavits of two persons who hold a valid license to~~
16 ~~practice chiropractic in this state or in another state, country,~~
17 ~~territory or province, and who are not related to or under financial~~
18 ~~obligations to the applicant, showing the applicant to be a person~~
19 ~~of good moral character.~~

20 2. The application shall be accompanied by a fee of One Hundred
21 Seventy-five Dollars (\$175.00), which shall not be refundable under
22 any circumstances.

23 3. If the application is disapproved by the Board, the
24 applicant shall be so notified by the ~~secretary-treasurer of the~~

1 ~~Board~~ Executive Director, with the reason for such disapproval fully
2 stated in writing.

3 4. If the application is approved, the applicant, upon payment
4 of an examination fee of One Hundred Seventy-five Dollars (\$175.00),
5 may take an examination administered by the Board for the purpose of
6 securing an original license. The Board may accept a passing score
7 on an examination administered by the National Board of Chiropractic
8 Examiners taken by the applicant, or may require the applicant to
9 take an examination administered by the Board or both.

10 5. Prior to approval of an application, the Board may authorize
11 the Executive Director to issue a temporary license to an applicant
12 who has submitted a completed application and who, upon payment of
13 the examination fee, has passed the required examination with a
14 score acceptable to the Board. A temporary license shall authorize
15 the applicant to practice chiropractic in Oklahoma between the
16 submission of the application and the applicant's approval for
17 licensure by the Board. A temporary license shall expire upon the
18 Board's approval of a permanent license or ten (10) calendar days
19 following the Board's denial of an application for a permanent
20 license.

21 B. Applicants for an original license to practice chiropractic
22 in this state shall submit to the Board of Chiropractic Examiners
23 documentary evidence of completion of:
24

1 1. A course of resident study of not less than four (4) years
2 of nine (9) months each in an accredited chiropractic college. A
3 senior student at an accredited chiropractic college may make
4 application for an original license by examination prior to
5 graduation, but such a license shall not be issued until documentary
6 evidence of the graduation of the student from the college has been
7 submitted to the Board;

8 2. Parts I, II, III, IV and physiotherapy as administered by
9 the National Board of Chiropractic Examiners with a passing score;
10 and

11 3. Passing a jurisprudence examination approved by the Board
12 with a score of seventy-five percent (75%) or better.

13 C. Each applicant shall be a graduate of an accredited
14 chiropractic college. For those graduating from a chiropractic
15 program outside the United States, the applicants must have
16 completed an educational program leading to a degree in chiropractic
17 from an institution authorized to operate by the government having
18 jurisdiction in which it is domiciled.

19 D. All credentials, diplomas, and other required documentation
20 in a foreign language submitted to the Board by such applicants
21 shall be accompanied by notarized English translations.

22 E. International applicants shall provide satisfactory evidence
23 of meeting the requirements for permanent residence or temporary
24

1 nonimmigrant status as set forth by the United States Citizenship
2 and Immigration Services.

3 F. Effective January 1, 2006, out-of-state licensed applicants
4 shall submit to the Board documentary evidence that the applicant
5 has malpractice insurance. New applicants shall submit to the Board
6 documentary evidence that the applicant has malpractice insurance
7 within six (6) months of obtaining their Oklahoma license.

8 G. An applicant for an original license shall:

9 1. Be a person of good moral character;

10 2. Inform the Board as to whether the person has previously
11 been licensed in Oklahoma and whether the license was revoked or
12 surrendered;

13 3. Inform the Board as to whether the applicant has ever been
14 licensed in another jurisdiction and whether any disciplinary action
15 was taken against the applicant;

16 4. Provide full disclosure to the Board of any criminal
17 proceeding taken against the applicant including, but not limited
18 to:

19 a. pleading guilty, pleading nolo contendere, receiving a
20 deferred sentence or being convicted of a felony,

21 b. pleading guilty, pleading nolo contendere, receiving a
22 deferred sentence or being convicted of a misdemeanor
23 involving moral turpitude, or
24

1 c. pleading guilty, pleading nolo contendere, receiving a
2 deferred sentence or being convicted of a violation of
3 federal or state controlled dangerous substance laws;
4 and

5 5. If requested, appear before the Board for a personal
6 interview.

7 H. No later than one (1) year after receiving a license to
8 practice in Oklahoma, chiropractic physicians shall complete an
9 orientation course of training approved by the Board. The
10 orientation course hours shall count as continuing education credits
11 for the year in which they were earned. An association may provide
12 the orientation course of training.

13 I. The Board may issue an original license to those applicants
14 who have passed the required examination with a score acceptable to
15 the Board and who meet all other requirements set forth by the
16 Board. No license fee shall be charged by the Board for the balance
17 of the calendar year in which such a license is issued.

18 J. In addition to an applicant's failure to meet any other
19 requirements imposed by this section or other applicable law, the
20 Board may deny a license or impose probationary conditions if an
21 applicant has:

22 1. Pleaded guilty, pleaded nolo contendere, received a deferred
23 sentence or been convicted of a felony;
24

1 2. Pled guilty, pleaded nolo contendere, received a deferred
2 sentence or been convicted of a misdemeanor involving moral
3 turpitude;

4 3. Pled guilty, pleaded nolo contendere, received a deferred
5 sentence or been convicted of a violation of federal or state
6 controlled dangerous substance laws;

7 4. Been the subject of disciplinary action by the Board; or

8 5. Been the subject of disciplinary action in another
9 jurisdiction.

10 SECTION 5. AMENDATORY 59 O.S. 2011, Section 161.9, as
11 amended by Section 4, Chapter 94, O.S.L. 2018 (59 O.S. Supp. 2018,
12 Section 161.9), is amended to read as follows:

13 Section 161.9. A. Applications for an original license by
14 relocation of practice to practice chiropractic in this state shall
15 be made to the Board of Chiropractic Examiners in writing on a form
16 and in a manner prescribed by the Board. The application shall be
17 accompanied by a fee of Three Hundred Fifty Dollars (\$350.00), which
18 shall not be refundable under any circumstances. If the application
19 is disapproved by the Board, it shall be returned to the applicant
20 with the reason for its disapproval fully stated in writing.

21 B. The Board may, in its discretion, issue an original license
22 by relocation to practice to an applicant who is currently licensed
23 to practice chiropractic in another state, country, territory or
24 province, upon the following conditions:

1 1. That the applicant is of good moral character;

2 2. That the requirements for licensure in the state, country,
3 territory or province in which the applicant is licensed are deemed
4 by the Board to be equivalent to the requirements for obtaining an
5 original license by examination in force in this state at the date
6 of such license;

7 3. That the applicant has no disciplinary matters pending
8 against him or her in any state, country, territory or province;

9 4. That the license of the applicant was obtained by
10 examination in the state, country, territory or province wherein it
11 was issued, or was obtained by examination of the National Board of
12 Chiropractic Examiners;

13 5. That the applicant passes a jurisprudence examination given
14 by the Board with a minimum score of seventy-five percent (75%) or
15 better; and

16 6. That the applicant meets all other requirements of the
17 Oklahoma Chiropractic Practice Act.

18 C. Any applicant requesting a license by relocation of practice
19 into Oklahoma shall:

20 1. Submit to the Board documentary evidence that the applicant
21 has been in active practice as a chiropractic physician ~~five (5)~~
22 three (3) years immediately preceding the date of the application;

23 2. Provide full disclosure to the Board of any disciplinary
24 action taken against the applicant pursuant to licensure as a

1 chiropractic physician in any state pursuant to licensure and/or
2 criminal proceedings;

3 3. Provide full disclosure to the Board of any criminal
4 proceeding taken against the applicant in any jurisdiction
5 including, but not limited to:

6 a. pleading guilty, pleading nolo contendere, receiving a
7 deferred sentence or being convicted of a felony,

8 b. pleading guilty, pleading nolo contendere, receiving a
9 deferred sentence or being convicted of a misdemeanor
10 involving moral turpitude, or

11 c. pleading guilty, pleading nolo contendere, receiving a
12 deferred sentence or being convicted of a violation of
13 federal or state controlled dangerous substance laws;

14 4. If requested, appear before the Board for a personal
15 interview; and

16 5. Pay an application fee to be set by rule of the Board.

17 D. The Board may authorize the Executive Director to issue a
18 temporary license to an applicant who has submitted a completed
19 application and has passed the required examination with a score
20 acceptable to the Board. A temporary license shall authorize the
21 applicant to practice chiropractic in Oklahoma between the
22 submission of the application and the applicant's approval for
23 licensure by the Board. A temporary license shall expire upon the
24 Board's approval of a permanent license or ten (10) calendar days

1 following the Board's denial of an application for a permanent
2 license.

3 E. No license fee shall be charged by the Board for the balance
4 of the calendar year in which such a license is issued.

5 ~~E.~~ F. In addition to an applicant's failure to meet any other
6 requirements imposed by this section or other applicable law, the
7 Board may deny a license or impose probationary conditions if an
8 applicant has:

9 1. Pledaded guilty, pleaded nolo contendere, received a deferred
10 sentence or been convicted of a felony;

11 2. Pledaded guilty, pleaded nolo contendere, received a deferred
12 sentence or been convicted of a misdemeanor involving moral
13 turpitude;

14 3. Pledaded guilty, pleaded nolo contendere, received a deferred
15 sentence or been convicted of a violation of federal or state
16 controlled dangerous substance laws;

17 4. Been the subject of disciplinary action by the Board; or

18 5. Been the subject of disciplinary action in another
19 jurisdiction.

20 SECTION 6. AMENDATORY 59 O.S. 2011, Section 161.11, as
21 amended by Section 6, Chapter 94, O.S.L. 2018 (59 O.S. Supp. 2018,
22 Section 161.11), is amended to read as follows:

23 Section 161.11. A. 1. Beginning January 1, 2005:
24

- 1 a. a person holding an original license and who is
2 actively engaged in the practice of chiropractic in
3 this state shall pay to the Board of Chiropractic
4 Examiners, on or before July 1 of each year, a renewal
5 license fee of ~~Two Hundred Twenty-five Dollars~~
6 ~~(\$225.00)~~ Two Hundred Seventy-five Dollars (\$275.00),
7 b. an inactive nonresident holding an original license to
8 practice chiropractic in Oklahoma and who has filed a
9 statement with the Board that the licensee is not
10 actively engaged in the practice of chiropractic in
11 this state and shall not engage in the practice of
12 chiropractic in this state during the succeeding year,
13 shall pay to the Board, on or before July 1 of each
14 year, a renewal license fee of One Hundred Seventy-
15 five Dollars (\$175.00),
16 c. an inactive resident holding an original license to
17 practice chiropractic in Oklahoma, and who has filed,
18 or on whose behalf has been filed, a statement with
19 the Board that because of illness, infirmity, active
20 military service or other circumstances as approved by
21 the Board, the licensee is unable to actively engage
22 in the practice of chiropractic during the succeeding
23 year, shall pay to the Board a renewal license fee of
24 One Hundred Dollars (\$100.00), and

1 d. a person holding an original license, but who is
2 sixty-five (65) years of age or older and who has
3 filed a statement with the Board that the licensee is
4 not actively engaged in the practice of chiropractic
5 in this state and shall not engage in the practice of
6 chiropractic in this state during the succeeding year,
7 shall pay to the Board a renewal licensee fee of Fifty
8 Dollars (\$50.00).

9 2. In addition, each licensee shall present to the Board
10 satisfactory evidence that during the preceding twelve (12) months
11 the licensee attended sixteen (16) hours of continuing education
12 that meets the requirements of Section 161.10a of this title,
13 provided that inactive resident licensees may, at the discretion of
14 the Board, be exempt from this requirement.

15 3. Every chiropractic physician who is actively engaged in the
16 practice of chiropractic in this state shall submit to the Board
17 documentary evidence that the chiropractor has malpractice insurance
18 and maintains such insurance twelve (12) months of each year when
19 practicing in this state. Any licensee who is not actively engaged
20 in practice in this state, shall be exempt from providing proof of
21 malpractice insurance.

22 B. Subject to the laws of this state applicable to professional
23 licenses and rules promulgated pursuant to the Oklahoma Chiropractic
24 Practice Act, the Board shall, upon determination that a licensee

1 has complied with the requirements of this section and the duly
2 promulgated rules of the Board, issue a renewal license to ~~said~~ the
3 licensee.

4 C. The failure of a licensee to properly renew a license or
5 certificate shall be evidence of noncompliance with the Oklahoma
6 Chiropractic Practice Act.

7 1. The license shall automatically be placed in a lapsed status
8 for failure to renew and shall be considered lapsed and not in good
9 standing for purposes of the practice of chiropractic.

10 2. If within sixty (60) calendar days after July 1, the
11 licensee cures any renewal requirement deficiency, pays the renewal
12 fee and pays a reinstatement fee set by the Board, the license may
13 be reactivated.

14 3. If a license is not reactivated under this subsection within
15 sixty (60) calendar days after July 1, the license shall
16 automatically be suspended for failure to renew.

17 4. The practice of chiropractic is prohibited unless the
18 license is active and in good standing with the Board.

19 D. When an original license or renewal license, or both, have
20 been suspended under the provisions of this section, the license or
21 licenses may be reinstated upon:

22 1. Payment of a reinstatement fee in an amount fixed by the
23 Board not to exceed Four Hundred Dollars (\$400.00);
24

1 2. Payment of the renewal license fee for the calendar year in
2 which the original license is reinstated; and

3 3. Presentation to the Board of satisfactory evidence of
4 compliance with the continuing education requirement of this section
5 for the calendar year in which the original license is reinstated.

6 E. The Board, by rule, may establish guidelines for the
7 disposition of disciplinary cases involving specific types of
8 violations. The guidelines may include, but are not limited to:

9 1. Minimum and maximum administrative fines;

10 2. Periods of suspension, probation or supervision;

11 3. Terms and conditions of probation; and

12 4. Terms and conditions for the reinstatement of an original
13 license or renewal license, or both.

14 F. The license of a chiropractic physician who is not compliant
15 with Oklahoma income tax law pursuant to Section 238.1 of Title 68
16 of the Oklahoma Statutes shall not be renewed. Such license shall
17 be automatically suspended ~~at the date of renewal~~ as of July 1 of
18 the renewal year and shall remain suspended until the Board receives
19 notice from the Oklahoma Tax Commission that the licensee has come
20 into compliance with Oklahoma income tax law. A physician whose
21 license is suspended under this subsection shall pay a reinstatement
22 fee in an amount fixed by the Board but not to exceed Four Hundred
23 Dollars (\$400.00).
24

SECTION 7. AMENDATORY 59 O.S. 2011, Section 161.12, is amended to read as follows:

Section 161.12. A. The Board of Chiropractic Examiners is authorized, after notice and an opportunity for a hearing pursuant to Article II of the Administrative Procedures Act, to issue an order imposing one or more of the following penalties whenever the Board finds, by clear and convincing evidence, that a chiropractic physician has committed any of the acts or occurrences set forth in subsection B of this section:

1. Disapproval of an application for a renewal license;

2. Revocation or suspension of an original license or renewal license, or both;

3. Restriction of the practice of a chiropractic physician under such terms and conditions as deemed appropriate by the Board;

4. An administrative fine not to exceed One Thousand Dollars (\$1,000.00) for each count or separate violation;

5. A censure or reprimand; ~~and~~

6. Placement of a chiropractic physician on probation for a period of time and under such terms and conditions as the Board may specify, including requiring the chiropractic physician to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another chiropractic physician; and

1 7. The assessment of costs expended by the Board in
2 investigating and prosecuting a violation. The costs may include,
3 but are not limited to, staff time, salary and travel expenses,
4 witness fees and attorney fees, and shall be considered part of the
5 order of the Board.

6 B. The following acts or occurrences by a chiropractic
7 physician shall constitute grounds for which the penalties specified
8 in subsection A of this section may be imposed by order of the
9 Board:

10 1. Pleading guilty or nolo contendere to, or being convicted
11 of, a felony, a misdemeanor involving moral turpitude, or a
12 violation of federal or state controlled dangerous substances laws.
13 A copy of the judgment and sentence of the conviction, duly
14 certified by the clerk of the court in which the conviction was
15 obtained, and a certificate of the clerk that the conviction has
16 become final, shall be sufficient evidence for the imposition of a
17 penalty;

18 2. Being habitually drunk or habitually using habit-forming
19 drugs;

20 3. Using advertising in which statements are made that are
21 fraudulent, deceitful or misleading to the public;

22 4. Aiding or abetting any person not licensed to practice
23 chiropractic in this state to practice chiropractic, except students
24 who are regularly enrolled in an accredited chiropractic college;

1 5. Performing or attempting to perform major or minor surgery
2 in this state, or using electricity in any form for surgical
3 purposes, including cauterization;

4 6. Using or having in a chiropractic physician's possession any
5 instrument for treatment purposes, the use or possession of which
6 has been prohibited or declared unlawful by any agency of the United
7 States or the State of Oklahoma;

8 7. Unlawfully possessing, prescribing or administering any
9 drug, medicine, serum or vaccine. This section shall not prevent a
10 chiropractic physician from possessing, prescribing or
11 administering, by a needle or otherwise, vitamins, minerals or
12 nutritional supplements, or from practicing within the scope of the
13 science and art of chiropractic as defined in Section 161.2 of this
14 title;

15 8. Advertising or displaying, directly or indirectly, any
16 certificate, diploma or other document which conveys or implies
17 information that the person is skilled in any healing art other than
18 chiropractic unless the chiropractic physician also possesses a
19 valid current license in said healing art;

20 9. Obtaining an original license or renewal license in a
21 fraudulent manner;

22 10. Violating any provision of the Unfair Claims Settlement
23 Practices Act or any rule promulgated pursuant thereto;

1 11. Willfully aiding or assisting an insurer, as defined in
2 Section 1250.2 of Title 36 of the Oklahoma Statutes, or an
3 administrator, as defined in Section 1442 of Title 36 of the
4 Oklahoma Statutes, to deny claims which under the terms of the
5 insurance contract are covered services and are medically necessary;

6 12. Violating any provision of the Oklahoma Chiropractic
7 Practice Act; or

8 13. Violating any of the rules of the Board.

9 C. Any chiropractic physician against whom a penalty is imposed
10 by an order of the Board under the provisions of this section shall
11 have the right to seek a judicial review of the order pursuant to
12 Article II of the Administrative Procedures Act.

13 D. The Board is authorized to issue a confidential letter of
14 concern to a chiropractic physician when, though evidence does not
15 warrant initiation of an individual proceeding, the Board has noted
16 indications of possible errant conduct by the chiropractic physician
17 that could lead to serious consequences and formal action by the
18 Board.

19 E. If no order imposing a penalty against a chiropractic
20 physician is issued by the Board within three (3) years after a
21 complaint against the chiropractic physician is received by the
22 Board, the complaint and all related documents shall be expunged
23 from the records of the Board.
24

1 SECTION 8. REPEALER Section 1, Chapter 57, O.S.L. 2018
2 (59 O.S. Supp. 2018, Section 161.11), is hereby repealed.

3 SECTION 9. This act shall become effective November 1, 2019.
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5 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04/02/2019 -
6 DO PASS.
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