

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 387

By: Floyd

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Chiropractic Practice
8 Act; amending 59 O.S. 2011, Section 161.2, which
9 relates to scope of practice; clarifying certain
10 condition; amending 59 O.S. 2011, Section 161.3, as
11 amended by Section 1, Chapter 94, O.S.L. 2018 (59
12 O.S. Supp. 2018, Section 161.3), which relates to
13 definitions; modifying definition; amending 59 O.S.
14 2011, Section 161.6, as last amended by Section 2,
15 Chapter 94, O.S.L. 2018 (59 O.S. Supp. 2018, Section
16 161.6), which relates to powers of Board; modifying
17 certain power; broadening certain authority of out-
18 of-state licensed chiropractic physicians; amending
19 59 O.S. 2011, Section 161.7, as last amended by
20 Section 3, Chapter 94, O.S.L. 2018 (59 O.S. Supp.
21 2018, Section 161.7), which relates to application
22 for original license by examination; striking certain
23 application requirement; transferring certain duty to
24 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,
which relates to penalties; adding certain penalty;
repealing Section 1, Chapter 57, O.S.L. 2018 (59 O.S.
Supp. 2018, Section 161.11), which relates to annual
renewal license; and providing an effective date.

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

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

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

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

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

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

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

4 2. "Animal chiropractic diagnosis and treatment" means
5 treatment that includes vertebral subluxation complex (vsc) and
6 spinal manipulation of nonhuman vertebrates. The term "animal
7 chiropractic diagnosis and treatment" shall not be construed to
8 allow the:

- 9 a. use of x-rays,
- 10 b. performing of surgery,
- 11 c. dispensing or administering of medications, or
- 12 d. performance of traditional veterinary care;

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

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

16 5. "Certified chiropractic assistant" means an unlicensed
17 member of a chiropractic physician's team of healthcare workers who
18 may assist a chiropractic physician in the performance of
19 examination and therapeutic procedures and techniques necessary to
20 deliver healthcare services to patients within the scope of
21 chiropractic and has been certified by the Board;

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

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

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

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

15 10. "Original license" means a license granting initial
16 authorization to practice chiropractic in this state issued by the
17 Board to an applicant found by the Board to meet the licensing
18 requirements of the Oklahoma Chiropractic Practice Act, by
19 examination pursuant to Section 161.7 of this title, or by
20 ~~reciprocity~~ relocation of practice pursuant to Section 161.9 of this
21 title;

22 11. "Preceptor" means a chiropractic physician who is
23 participating in the Chiropractic Undergraduate Preceptorship
24 Program;

1 12. "Relocation of practice" means the recognition and approval
2 by the Board, prior to the issuance of an original license, of the
3 chiropractic licensing process in another state, country, territory
4 or province; and

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

9 SECTION 3. AMENDATORY 59 O.S. 2011, Section 161.6, as
10 last amended by Section 2, Chapter 94, O.S.L. 2018 (59 O.S. Supp.
11 2018, Section 161.6), is amended to read as follows:

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

18 B. The Board is authorized and empowered to:

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

23 2. Establish a registration system and adopt and enforce
24 standards for the education and training of chiropractic physicians

1 who engage in the business of issuing professional opinions on the
2 condition, prognosis or treatment of a patient;

3 3. Adopt and enforce standards governing the professional
4 conduct of chiropractic physicians, consistent with the provisions
5 of the Oklahoma Chiropractic Practice Act, for the purpose of
6 establishing and maintaining a high standard of honesty, dignity,
7 integrity and proficiency in the profession;

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

12 5. Purchase office furniture, equipment and supplies;

13 6. ~~Employ, direct, reimburse, evaluate, and dismiss such office~~
14 ~~personnel, as may be necessary, in accordance with state procedures~~
15 an Executive Director who shall serve as the Chief Administrative
16 Officer of the agency. The Executive Director shall have the
17 authority to employ other persons as necessary to maintain the
18 operations of the Board and shall perform such other duties as the
19 Board may prescribe;

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

1 8. Order or subpoena the attendance of witnesses, the
2 inspection of records and premises and the production of relevant
3 books and papers for the investigation of matters that may come
4 before the Board;

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

12 10. Pay the costs of such research programs in chiropractic as
13 in the determination of the Board would be beneficial to the
14 chiropractic physicians in this state;

15 11. Establish minimum standards for continuing education
16 programs administered by chiropractic associations pursuant to
17 Section 161.11 of this title;

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

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

22 14. Establish policies for Board operations;
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1 15. Determine and direct Board operating administrative,
2 personnel and budget policies and procedures in accordance with
3 applicable statutes;

4 16. Provide travel expenses for at least the Executive Director
5 and provide travel expenses for members of the Board to attend an
6 annual national conference. The Board shall give each member the
7 opportunity to attend the annual national conference;

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

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

20 19. The Board of Chiropractic Examiners, by rule, shall
21 promulgate a code of ethics.

22 C. The Board shall promulgate rules regarding continuing
23 education seminars or courses or license renewal seminars or courses
24 including, but not limited to, the qualifications of an applicant,

1 association or entity seeking to sponsor a seminar or course, where
2 the association or entity is domiciled, whether the association or
3 entity is classified as a nonprofit organization, and the
4 educational experience of instructors applying to conduct a seminar
5 or course. The Board shall also promulgate rules regarding
6 certified chiropractic assistants.

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

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

20 2. The Advisory Committee shall be selected from a list of ten
21 chiropractic physicians and three lay persons submitted by each
22 chiropractic association or society in this state or any
23 unaffiliated chiropractic physician desiring to submit a list. The
24 term of service for members of the Advisory Committee shall be

1 determined by the Board. Members of the Advisory Committee shall be
2 reimbursed for all actual and necessary expenses incurred in the
3 performance of their duties in accordance with the State Travel
4 Reimbursement Act.

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

13 2. The complaint and findings of the investigator shall be
14 presented to the Advisory Committee for review. The Advisory
15 Committee, in consultation with the Board's prosecuting attorney,
16 shall make an informal recommendation for disposition of the
17 complaint to the Board.

18 F. 1. The Board, its employees, appointed committee members,
19 independent contractors or other agents of the Board shall keep
20 confidential the complaint and information obtained during an
21 investigation into violations of the Oklahoma Chiropractic Practice
22 Act; provided, however, such information may be introduced by the
23 state in administrative proceedings before the Board and the
24 information then becomes a public record.

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

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

16 G. The Board shall promulgate rules regarding the issuance of
17 field citations and the assessment of administrative penalties no
18 later than July 1, 2012. Administrative penalties for field
19 citations shall not exceed Two Hundred Fifty Dollars (\$250.00) for a
20 first offense and One Thousand Dollars (\$1,000.00) for a second or
21 subsequent offense.

22 H. The forfeiture, nonrenewal, surrender or voluntary
23 relinquishment of a license by a licensee shall not bar jurisdiction
24 by the Board to proceed with any investigation, action or proceeding

1 to revoke, suspend, condition or limit the licensee's license or
2 fine the licensee.

3 SECTION 4. AMENDATORY 59 O.S. 2011, Section 161.7, as
4 last amended by Section 3, Chapter 94, O.S.L. 2018 (59 O.S. Supp.
5 2018, Section 161.7), is amended to read as follows:

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

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

18 3. If the application is disapproved by the Board, the
19 applicant shall be so notified by the ~~secretary-treasurer of the~~
20 ~~Board~~ Executive Director, with the reason for such disapproval fully
21 stated in writing.

22 4. If the application is approved, the applicant, upon payment
23 of an examination fee of One Hundred Seventy-five Dollars (\$175.00),
24 may take an examination administered by the Board for the purpose of

1 securing an original license. The Board may accept a passing score
2 on an examination administered by the National Board of Chiropractic
3 Examiners taken by the applicant, or may require the applicant to
4 take an examination administered by the Board or both.

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

16 B. Applicants for an original license to practice chiropractic
17 in this state shall submit to the Board of Chiropractic Examiners
18 documentary evidence of completion of:

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

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

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

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

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

17 E. International applicants shall provide satisfactory evidence
18 of meeting the requirements for permanent residence or temporary
19 nonimmigrant status as set forth by the United States Citizenship
20 and Immigration Services.

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

3 G. An applicant for an original license shall:

4 1. Be a person of good moral character;

5 2. Inform the Board as to whether the person has previously
6 been licensed in Oklahoma and whether the license was revoked or
7 surrendered;

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

11 4. Provide full disclosure to the Board of any criminal
12 proceeding taken against the applicant including, but not limited
13 to:

14 a. pleading guilty, pleading nolo contendere, receiving a
15 deferred sentence or being convicted of a felony,

16 b. pleading guilty, pleading nolo contendere, receiving a
17 deferred sentence or being convicted of a misdemeanor
18 involving moral turpitude, or

19 c. pleading guilty, pleading nolo contendere, receiving a
20 deferred sentence or being convicted of a violation of
21 federal or state controlled dangerous substance laws;
22 and

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

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

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

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

16 1. Pleaded guilty, pleaded nolo contendere, received a deferred
17 sentence or been convicted of a felony;

18 2. Pleaded guilty, pleaded nolo contendere, received a deferred
19 sentence or been convicted of a misdemeanor involving moral
20 turpitude;

21 3. Pleaded guilty, pleaded nolo contendere, received a deferred
22 sentence or been convicted of a violation of federal or state
23 controlled dangerous substance laws;

24 4. Been the subject of disciplinary action by the Board; or
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1 5. Been the subject of disciplinary action in another
2 jurisdiction.

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

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

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

- 18 1. That the applicant is of good moral character;
- 19 2. That the requirements for licensure in the state, country,
20 territory or province in which the applicant is licensed are deemed
21 by the Board to be equivalent to the requirements for obtaining an
22 original license by examination in force in this state at the date
23 of such license;

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

3 4. That the license of the applicant was obtained by
4 examination in the state, country, territory or province wherein it
5 was issued, or was obtained by examination of the National Board of
6 Chiropractic Examiners;

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

10 6. That the applicant meets all other requirements of the
11 Oklahoma Chiropractic Practice Act.

12 C. Any applicant requesting a license by relocation of practice
13 into Oklahoma shall:

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

17 2. Provide full disclosure to the Board of any disciplinary
18 action taken against the applicant pursuant to licensure as a
19 chiropractic physician in any state pursuant to licensure and/or
20 criminal proceedings;

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

- 1 a. pleading guilty, pleading nolo contendere, receiving a
2 deferred sentence or being convicted of a felony,
3 b. pleading guilty, pleading nolo contendere, receiving a
4 deferred sentence or being convicted of a misdemeanor
5 involving moral turpitude, or
6 c. pleading guilty, pleading nolo contendere, receiving a
7 deferred sentence or being convicted of a violation of
8 federal or state controlled dangerous substance laws;

9 4. If requested, appear before the Board for a personal
10 interview; and

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

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

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

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

5 1. Plead guilty, pleaded nolo contendere, received a deferred
6 sentence or been convicted of a felony;

7 2. Plead guilty, pleaded nolo contendere, received a deferred
8 sentence or been convicted of a misdemeanor involving moral
9 turpitude;

10 3. Plead guilty, pleaded nolo contendere, received a deferred
11 sentence or been convicted of a violation of federal or state
12 controlled dangerous substance laws;

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

14 5. Been the subject of disciplinary action in another
15 jurisdiction.

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

19 Section 161.11. A. 1. Beginning January 1, 2005:

20 a. a person holding an original license and who is
21 actively engaged in the practice of chiropractic in
22 this state shall pay to the Board of Chiropractic
23 Examiners, on or before July 1 of each year, a renewal
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1 license fee of ~~Two Hundred Twenty-five Dollars~~

2 ~~(\$225.00)~~ Two Hundred Seventy-five Dollars (\$275.00),

3 b. an inactive nonresident holding an original license to
4 practice chiropractic in Oklahoma and who has filed a
5 statement with the Board that the licensee is not
6 actively engaged in the practice of chiropractic in
7 this state and shall not engage in the practice of
8 chiropractic in this state during the succeeding year,
9 shall pay to the Board, on or before July 1 of each
10 year, a renewal license fee of One Hundred Seventy-
11 five Dollars (\$175.00),

12 c. an inactive resident holding an original license to
13 practice chiropractic in Oklahoma, and who has filed,
14 or on whose behalf has been filed, a statement with
15 the Board that because of illness, infirmity, active
16 military service or other circumstances as approved by
17 the Board, the licensee is unable to actively engage
18 in the practice of chiropractic during the succeeding
19 year, shall pay to the Board a renewal license fee of
20 One Hundred Dollars (\$100.00), and

21 d. a person holding an original license, but who is
22 sixty-five (65) years of age or older and who has
23 filed a statement with the Board that the licensee is
24 not actively engaged in the practice of chiropractic

1 in this state and shall not engage in the practice of
2 chiropractic in this state during the succeeding year,
3 shall pay to the Board a renewal licensee fee of Fifty
4 Dollars (\$50.00).

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

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

18 B. Subject to the laws of this state applicable to professional
19 licenses and rules promulgated pursuant to the Oklahoma Chiropractic
20 Practice Act, the Board shall, upon determination that a licensee
21 has complied with the requirements of this section and the duly
22 promulgated rules of the Board, issue a renewal license to ~~said~~ the
23 licensee.

1 C. The failure of a licensee to properly renew a license or
2 certificate shall be evidence of noncompliance with the Oklahoma
3 Chiropractic Practice Act.

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

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

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

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

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

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

21 2. Payment of the renewal license fee for the calendar year in
22 which the original license is reinstated; and
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1 3. Presentation to the Board of satisfactory evidence of
2 compliance with the continuing education requirement of this section
3 for the calendar year in which the original license is reinstated.

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

- 7 1. Minimum and maximum administrative fines;
- 8 2. Periods of suspension, probation or supervision;
- 9 3. Terms and conditions of probation; and
- 10 4. Terms and conditions for the reinstatement of an original
11 license or renewal license, or both.

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

22 SECTION 7. AMENDATORY 59 O.S. 2011, Section 161.12, is
23 amended to read as follows:
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1 Section 161.12. A. The Board of Chiropractic Examiners is
2 authorized, after notice and an opportunity for a hearing pursuant
3 to Article II of the Administrative Procedures Act, to issue an
4 order imposing one or more of the following penalties whenever the
5 Board finds, by clear and convincing evidence, that a chiropractic
6 physician has committed any of the acts or occurrences set forth in
7 subsection B of this section:

8 1. Disapproval of an application for a renewal license;

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

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

13 4. An administrative fine not to exceed One Thousand Dollars
14 (\$1,000.00) for each count or separate violation;

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

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

22 7. The assessment of costs expended by the Board in
23 investigating and prosecuting a violation. The costs may include,
24 but are not limited to, staff time, salary and travel expenses,

1 witness fees and attorney fees, and shall be considered part of the
2 order of the Board.

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

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

15 2. Being habitually drunk or habitually using habit-forming
16 drugs;

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

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

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

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

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

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

17 9. Obtaining an original license or renewal license in a
18 fraudulent manner;

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

21 11. Willfully aiding or assisting an insurer, as defined in
22 Section 1250.2 of Title 36 of the Oklahoma Statutes, or an
23 administrator, as defined in Section 1442 of Title 36 of the
24

1 Oklahoma Statutes, to deny claims which under the terms of the
2 insurance contract are covered services and are medically necessary;

3 12. Violating any provision of the Oklahoma Chiropractic
4 Practice Act; or

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

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

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

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

21 SECTION 8. REPEALER Section 1, Chapter 57, O.S.L. 2018
22 (59 O.S. Supp. 2018, Section 161.11), is hereby repealed.
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1 SECTION 9. This act shall become effective November 1, 2019.

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