

ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 838

BY: HENDRICK of the SENATE
and
MONSON of the HOUSE

AN ACT RELATING TO THE PRACTICE OF CHIROPRACTIC;
AMENDING 59 O.S. 1991, SECTION 161.6, WHICH RELATES
TO POWERS OF BOARD OF CHIROPRACTIC EXAMINERS; # # #
AND PROVIDING AN EFFECTIVE DATE.

AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
and insert

" (PRACTICE OF CHIROPRACTIC - AMENDING 59 O.S.
1991, SECTIONS 161.2 AND 161.6 - CODIFICATION -
EFFECTIVE DATE)

SECTION 1. AMENDATORY 59 O.S. 1991, Section 161.2, is
amended to read as follows:

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

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 731.8 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. In order to eliminate conflicts of interest and hold down the cost of health care services, any chiropractic physician or any other physician who refers a patient for diagnostic or treatment services to any laboratory or facility:

1. In which the physician, or a member of his immediate family, holds, directly or indirectly, any ownership or investment interest; or

2. From which the physician, or a member of his immediate family, receives kickbacks, rebates or any other payment, directly or indirectly, overtly or covertly, in cash or in kind; shall provide written disclosure to such patient or client or the guardian of such patient or client of any financial interest of the provider in the center or laboratory.

B. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punishable by a fine of not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00). Each separate such referral of a patient shall constitute a separate and distinct offense.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 161.6, is amended to read as follows:

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

B. The Board is authorized and empowered to:

1. Establish and maintain a procedure or system for the certification or accreditation of chiropractic physicians who are uniquely qualified in particular chiropractic or diagnostic specialties;

2. Establish a registration system and adopt and enforce standards for the education and training of chiropractic physicians who engage in the business of issuing professional opinions on the condition, prognosis or treatment of a patient; provided, however, no such standard shall be enforced to prohibit any chiropractic physician from issuing a professional opinion on the condition, prognosis or treatment of a patient where such professional opinion is issued as an expert witness in any lawsuit or as a claims or utilization reviewer for payment of medical claims;

3. Adopt and enforce standards governing the professional conduct of chiropractic physicians for the purpose of establishing and maintaining a high standard of honesty, dignity, integrity and proficiency in the profession;

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

5. Purchase office furniture, equipment and supplies;

6. Employ such office personnel as may be necessary, and fix and pay their salaries or wages;

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

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

9. Employ one or more investigators, as needed, for the sole purpose of investigating written complaints regarding the conduct of chiropractic physicians, and fix and pay their salaries or wages;

10. Pay the cost of such research programs in chiropractic as in the determination of the Board would be beneficial to the chiropractic physicians in this state; and

11. Make such other expenditures as may be necessary in the performance of its duties.

C. The Board shall appoint an Advisory Committee of four (4) chiropractic physicians and one (1) lay member representing the public who shall advise and assist the Board in:

1. Investigating the qualifications of applicants for an original license to practice chiropractic in this state;

2. Investigating written complaints regarding the conduct of chiropractic physicians, including alleged violations of the Oklahoma Chiropractic Practice Act or of the rules of the Board; and

3. Such other matters as the Board shall delegate to them.

The Advisory Committee shall be selected from a list of ten (10) chiropractic physicians and three (3) lay persons submitted by each chiropractic association or society in this state or any unaffiliated chiropractic physician desiring to submit a list. The term of service for members of the Advisory Committee shall be determined by the Board. Members of the Advisory Committee shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 731.9 of Title 59, unless there is created a duplication in numbering, reads as follows:

In order to eliminate conflicts of interest and hold down the cost of health care services, it shall be unlawful for any chiropractic physician or any other physician, or association of

physicians, to hold, directly or indirectly, controlling interest in any insurance company authorized to issue accident and health insurance policies in this state. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punishable by a fine of not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00). Each day of such violation shall constitute a separate and distinct offense.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 731.11 of Title 59, unless there is created a duplication in numbering, reads as follows:

No chiropractic physician or any other physician shall charge to or collect from a beneficiary of health insurance under Title XVIII of the Social Security Act (Medicare) any amount in excess of the reasonable charge for that service as determined by the United States Secretary of Health and Human Services. A violation of this section shall be grounds for revocation of the violating physician's license to practice in this state by the licensing board from which he received said license.

SECTION 6. This act shall become effective September 1, 1992."

Passed the House of Representatives the 16th day of April, 1992.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate