

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 838

BY: HENDRICK

AS INTRODUCED

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;

PROHIBITING ENFORCEMENT OF CERTAIN STANDARDS TO

PROHIBIT CHIROPRACTIC PHYSICIANS FROM ISSUING

CERTAIN PROFESSIONAL OPINIONS; AND PROVIDING AN

EFFECTIVE DATE.

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

SECTION 1. 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, Section 250 et seq. of Title 75 of the Oklahoma Statutes, 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, Section 161.1 et seq. of this title.

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 500.1 et seq. of Title 74 of the Oklahoma Statutes.

SECTION 2. This act shall become effective September 1, 1992.

43-2-1849

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