

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 1267

By: Williams and Crocker of
the House

and

Stipe of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to professions and occupations; amending 59 O.S. 1991, Sections 161.3, 161.4, 161.5 and 161.7, which relate to the Board of Chiropractic Examiners; clarifying language; extending Board of Chiropractic Examiners; requiring certain oaths or affirmations; requiring certain appointment within certain time period; modifying powers and duties; modifying meeting requirements; authorizing certain meetings; modifying certain requirements and procedures relating to application for license; deleting certain retesting provision and related fee; requiring board establish certification program for chiropractic assistants and describing chiropractic assistant; providing for certain qualifications; providing for rules; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 161.3, is amended to read as follows:

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

1. "Accredited chiropractic college" means a chiropractic educational institution which is accredited by the Commission on Accreditation of the Council on Chiropractic Education, a national, independent accreditation body recognized and approved by the U.S. Department of Education;

2. "Applicant" means any person submitting an application for licensure to the Board;

3. "Board" means the Board of Chiropractic Examiners;

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

5. "Examination" means the process used by the Board, prior to the issuance of an original license, to test the qualifications and knowledge of an applicant in the basic sciences and the science and art of chiropractic;

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

7. "Original license" means a license granting initial authorization to practice chiropractic in this state issued by the Board to an applicant found by the Board to meet the licensing requirements of the Oklahoma Chiropractic Practice Act, by examination pursuant to Section 161.7 of this title, or by reciprocity pursuant to Section 161.9 of this title;

8. "Preceptor" means a chiropractic physician who is participating in the Chiropractic Undergraduate Preceptorship Program;

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

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

SECTION 2. AMENDATORY 59 O.S. 1991, Section 161.4, is amended to read as follows:

Section 161.4 A. A Board of Chiropractic Examiners is hereby re-created to continue until July 1, ~~1993~~ 1999, in accordance with the provisions of the Oklahoma Sunset Law. Said Board shall regulate the practice of chiropractic in this state in accordance with the provisions of the Oklahoma Chiropractic Practice Act.

The Board, appointed by the Governor, shall be composed of three (3) chiropractic physicians and one (1) lay member representing the public. ~~The term of office for each member of the Board shall be three (3) years. One (1) chiropractic physician member shall be appointed to the Board each year. Members of the Board shall serve beyond the expiration of their term of office until a successor is appointed by the Governor. The Governor shall, by appointment, fill all vacancies on the Board for the balance of an unexpired term.~~

B. Each chiropractic physician member of the Board shall:

1. Be a legal resident of this state;

2. Have practiced chiropractic continuously in this state during the five (5) years immediately preceding his appointment to the Board;

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

4. Be a person of recognized professional ability, integrity and good reputation.

C. The lay member of the Board shall:

1. Be a legal resident of this state;

2. Not be a registered or licensed practitioner of any of the healing art arts or be related ~~by blood or marriage~~, within the third degree of consanguinity or affinity, to any such person; and

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

a. reviewing, investigating and disposing of written complaints regarding the conduct of chiropractic physicians, and

b. formulating, adopting and promulgating rules pursuant to Article I of the Administrative Procedures Act.

D. The term of office of each chiropractic physician member of the Board shall be three (3) years, with one such member being appointed each year. The lay member of the Board shall serve a term coterminous with that of the Governor. Each member shall hold office until the expiration of the term of office for which appointed or until a qualified successor has been duly appointed.

An appointment shall be made by the Governor within ninety (90) days after the expiration of the term of any member, or the occurrence of a vacancy on the Board due to resignation, death, or any other cause resulting in an unexpired term.

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

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

1. Ceasing to be qualified;
2. Being found guilty by a court of competent jurisdiction of a felony or any offense involving moral turpitude;
3. Being found guilty, through due process, of malfeasance, misfeasance or nonfeasance in relation to his Board duties;
4. Being found mentally incompetent by a court of competent jurisdiction;
5. Being found in violation of any provision of the Oklahoma Chiropractic Practice Act; or
6. Failing to attend three (3) ~~successive~~ consecutive meetings of the Board without just cause, as determined by the Board.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 161.5, is amended to read as follows:

Section 161.5 A. ~~Each member of the Board of Chiropractic Examiners shall take the constitutional oath of office before assuming his duties on the Board.~~ The Board of Chiropractic Examiners shall organize annually at the ~~last~~ first meeting of the Board ~~before~~ after the beginning of ~~the next~~ each fiscal year, by electing from among its number members a president, a vice-president and a secretary-treasurer. The Board shall hold ~~regular~~ regularly scheduled meetings at least once each quarter at a time and place determined by the Board, and may hold such ~~adjourned and~~ special meetings, emergency meetings, or continued or reconvened meetings as found by the Board to be expedient or necessary. A

majority of the Board shall constitute a quorum for the transaction of business.

B. The president shall preside at meetings of the Board, arrange the Board agenda, sign Board orders and other required documents, coordinate Board activities and perform such other duties as may be prescribed by the Board.

C. The vice-president shall perform the duties of the president during the ~~latter's~~ president's absence or disability and shall perform such other duties as may be prescribed by the Board.

D. The secretary-treasurer shall:

1. Keep a record of all proceedings of the Board and certify to actions of the Board;

2. Receive and care for all monies received by the Board and cause the same to be deposited in the Board of Chiropractic Examiners' Revolving Fund and disbursed upon orders of the Board;

3. Submit, at the first regular meeting of the Board after the end of each fiscal year, a full itemized report of the receipts and disbursements for the prior fiscal year, showing the amount of funds on hand; and

4. Perform such other duties as are prescribed in the Oklahoma Chiropractic Practice Act or as may be prescribed by the Board.

E. The Board shall act in accordance with the provisions of the Oklahoma Open Meeting Act, ~~Section 301 et seq. of Title 25 of the Oklahoma Statutes;~~ the Oklahoma Open Records Act, ~~Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes;~~ and the Administrative Procedures Act, ~~Section 250 et seq. of Title 75 of the Oklahoma Statutes.~~

F. All members of the Board and such employees as determined by the Board shall be bonded as required by Sections 85.26 through 85.31 of Title 74 of the Oklahoma Statutes.

G. The liability of any member or employee of the Board acting within the scope of his Board duties or employment shall be governed by the Governmental Tort Claims Act, ~~Section 151 et seq. of Title 51 of the Oklahoma Statutes.~~

H. Members of the Board shall serve without compensation but 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. AMENDATORY 59 O.S. 1991, Section 161.7, is amended to read as follows:

Section 161.7 A. Applications for an original license by examination to practice chiropractic in this state shall be made to the Board of Chiropractic Examiners in writing on a form and in a manner prescribed by the Board. The application shall be supported by the affidavits of two (2) ~~chiropractic physicians,~~ persons who hold a valid license to practice chiropractic in this state or in another state, country, territory or province, and who are not related to or under financial obligations to the applicant, showing the applicant to be a person of good moral character. The application shall be accompanied by a fee of One Hundred Fifty Dollars (\$150.00), which shall not be refundable under any circumstances. If the application is disapproved by the Board, ~~it shall be returned to the applicant~~ the applicant shall be so notified by the secretary-treasurer of the Board, with the reason for ~~its~~ such disapproval fully stated in writing. If the application is approved, the applicant, upon payment of an examination fee of One Hundred Fifty Dollars (\$150.00), may take an examination administered by the Board for the purpose of securing an original license. ~~Any applicant who fails the examination may request to retake any portion of the examination for a fee of Seventy-five Dollars (\$75.00).~~

B. The Board shall issue an original license to those applicants who have passed the required examination with a score acceptable to the Board. No license fee shall be charged by the Board for the balance of the calendar year in which such a license is issued.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 161.19 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Board of Chiropractic Examiners shall establish a certification program for chiropractic assistants.

B. A chiropractic assistant is a skilled person, qualified by formal academic and clinical training, who provides patient services and other assistance within the established scope of a chiropractic physician's practice and under the supervision and responsibility of said chiropractic physician. The activities of a chiropractic assistant require an understanding of the diagnosis and treatment of physical conditions and disease, but not professional or advanced chiropractic training. A chiropractic assistant must possess a certificate issued by the Board prior to engaging in such occupation.

C. The Board is hereby granted the power and authority to formulate, adopt and promulgate rules not inconsistent with this section or any other Oklahoma statute governing the requirements for certification as a chiropractic assistant, as well as to establish standards of training, approve institutions or other forums for training, approve applicants for certification, and regulate the standards of practice of a chiropractic assistant after certification, including but not limited to the power of suspension or revocation of a certificate.

SECTION 6. This act shall become effective September 1, 1993.

44-1-7097

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