

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1580

By: Hefner

AS INTRODUCED

An Act relating to professions and occupations;
amending 59 O.S. 1991, Sections 738.1, 738.2 and
738.3, which relate to powers and authorities of
various state boards concerned with the healing
arts professions; clarifying and conforming
language; providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 738.1, is
amended to read as follows:

Section 738.1 Injunctions, without bond, may be granted by
district ~~and superior~~ courts in this state to the following state
boards, and for the following purposes:

1. The Oklahoma State Board of Chiropractic, for the purpose of
enforcing the provisions of Chapter 4 of this title;

2. The Board of Chiropractic Examiners, for the purpose of
enforcing the provisions of Chapter 5 of this title;

3. The Board of Pharmacy, for the purpose of enforcing the
provisions of Chapter 8 of this title;

4. The State Board of Medical Licensure and Supervision, for
the purpose of enforcing the provisions of Chapter 11 of this title;

5. The Board of Examiners in Optometry, the Board of Pharmacy,
~~or the~~ for the purpose of enforcing the provisions of Chapter 13 of
this title; and

6. The State Board of Osteopathy, for the purpose of enforcing
the ~~respective acts and laws creating and establishing such boards~~
the provisions of Chapter 14 of this title.

SECTION 2. AMENDATORY 59 O.S. 1991, Section 738.2, is
amended to read as follows:

Section 738.2 None of the Boards ~~referred to~~ listed in Section
± 738.1 of this ~~act~~ title shall be permitted to institute an action
to enjoin any person who holds a valid license regularly issued by
any other of ~~the above-named~~ said Boards without first obtaining the
written consent of said other Board to file such injunction
proceedings. ~~The terms and provisions of the respective acts and~~
~~laws creating and establishing the Boards above referred to are set~~
~~forth in Title 59, Oklahoma Statutes 1951, as Chapters 4, 5, 7, 8,~~
~~11, 13 and 14. Provided, that in~~ In the event any of ~~the~~
~~above-named~~ said Boards as to an injunction action, or the proper
district attorney as to a criminal action, fails or refuses to file
such an action to enforce the ~~respective acts and laws~~ provisions of
the chapter of this title applicable to ~~any~~ such Board within ninety
(90) days after written complaint of a violation thereof is made
thereto, it shall be the duty of the Attorney General of ~~the State~~
~~of Oklahoma~~ this state, if ~~such~~ a sworn complaint is made thereto,
to file and prosecute an appropriate injunction or criminal action
to enforce the provisions of said ~~act or law, that is~~ chapter of
this title, if he finds there is sufficient competent evidence to
support such action.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 738.3, is
amended to read as follows:

Section 738.3 Each of the Boards ~~referred to~~ listed in Section
± 738.1 of this ~~act~~ title shall have the authority to employ

attorneys to advise and assist ~~such~~ said Boards in the performance of its official duties and functions and in carrying out the provisions of this act; provided, that the compensation of such attorney or attorneys shall be paid from the fund, or monies, from which other expenses of the Board are paid and shall not be a charge against the State of Oklahoma.

SECTION 4. This act shall become effective September 1, 1993.

44-1-6083 KSM