

ENROLLED HOUSE
BILL NO. 1529

By: Paulk of the House

and

Leftwich of the Senate

An Act relating to professions and occupations; amending 59 O.S. 1991, Section 161.18, which relates to Oklahoma Chiropractic Code of Ethics; modifying how chiropractic physicians are listed; amending 59 O.S. 1991, Sections 160.1, as amended by Section 16, Chapter 150, O.S.L. 1993, 535 and 738.1 (59 O.S. Supp. 1994, Section 160.1), which relate to chiropody, physicians and certain medical professionals; updating language; authorizing certain state boards to obtain injunction orders without bond; amending 76 O.S. 1991, Section 24, which relates to professional review bodies; updating certain terms; clarifying language; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 161.18, is amended to read as follows:

Section 161.18 A. There is hereby created the "Oklahoma Chiropractic Code of Ethics". This Code of Ethics is based upon the fundamental principle that the ultimate end and objective of the chiropractic physician's professional services and effort should be: "The greatest good for the patient."

B. Responsibility to the patient:

1. Chiropractic physicians should hold themselves ready at all times to respond to the call of those needing their professional services, although they are free to accept or reject a particular patient except in an emergency;

2. Chiropractic physicians should attend their patients as often as they consider necessary to ensure the well-being of their patients, but should avoid unnecessary treatments;

3. Having once undertaken to serve a patient, chiropractic physicians should not neglect the patient. Chiropractic physicians should not terminate their professional services to patients without taking reasonable steps to protect such patients, including due notice to them allowing sufficient time for obtaining professional services of others, delivering to their patients all papers and documents in compliance with paragraph 5 of this subsection;

4. Chiropractic physicians should endeavor to practice with the highest degree of professional competency and honesty in the proper care of their patients;

5. Chiropractic physicians should comply with a patient's authorization to provide records, or copies of such records, to those persons whom the patient designates as authorized to inspect

or receive all or part of such records. A reasonable charge may be made for the cost of copying records;

6. Subject to paragraph 5 of this subsection, chiropractic physicians should preserve and protect the patient's confidences and records, except as the patient directs or consents, or if the law requires otherwise. They should not discuss a patient's history, symptoms, diagnosis, or treatment with a lawyer until they have received the informed consent of the patient or the patient's personal representative. They should avoid exploiting the trust and dependency of their patients;

7. Chiropractic physicians owe loyalty, compassion and respect to their patients. Their clinical judgment and practice should be objective and exercised solely for the patient's benefit;

8. Chiropractic physicians should recognize and respect the right of every person to free choice of chiropractic physicians or other health-care providers and to the right to change such choice at will;

9. Chiropractic physicians are entitled to receive proper and reasonable compensation for their professional services commensurate with the value of the services they have rendered in the light of their experience, the time required, the reputation and nature of the condition involved. Chiropractic physicians should terminate a professional relationship when it becomes reasonably clear that the patient is not benefiting from it. Chiropractic physicians should support and participate in proper activities designed to enable access to necessary chiropractic care on the part of persons unable to pay such reasonable fees;

10. Chiropractic physicians should maintain the highest standards of professional and personal conduct and should refrain from all illegal or morally reprehensible conduct;

11. Chiropractic physicians should be ready to consult and seek the talents of other health-care professionals when such consultation would benefit their patients or when their patients express a desire for such consultation;

12. Chiropractic physicians should assure that the patient possesses enough information to enable an intelligent choice in regard to proposed chiropractic treatment. The patient should make his or her own determination on such treatment; and

13. Chiropractic physicians should utilize only those laboratory and x-ray procedures, and such devices or nutritional products that are in the best interest of the patient and not in conflict with state statutes or administrative rulings.

C. Responsibility to the public:

1. Chiropractic physicians should act as members of a learned profession dedicated to the promotion of health, the prevention of illness and the alleviation of suffering;

2. Chiropractic physicians should observe the appropriate laws, decisions and rules of state governmental agencies and cooperate with the pertinent activities and policies of associations legally authorized to regulate or assist in the regulation of chiropractic physicians;

3. Chiropractic physicians should participate as responsible citizens in the public affairs of their local community, state and nation in order to improve laws, administrative procedures and public policies that pertain to chiropractic and the system of health-care delivery. Chiropractic physicians should stand ready to take the initiative in the proposal and development of measures to benefit the health and well-being of the general public, and should cooperate in the administration and enforcement of such measures and programs to the extent consistent with law;

4. Chiropractic physicians may advertise but should exercise utmost care that such advertising is relevant to the selection of a chiropractic physician, is accurate, truthful, not misleading, false or deceptive, and is scrupulously correct in representing the chiropractic physician's professional status and area of special competence. Communications to the public should not appeal primarily to an individual's anxiety or create unjustified expectations of results. Chiropractic physicians should conform to all applicable state laws, rules and judicial decisions in connection with professional advertising;

5. Chiropractic physicians should continually strive to improve their skill and competency by keeping abreast of current developments contained in health and scientific literature, and by participating in chiropractic continuing education programs and utilizing all other appropriate means;

6. Chiropractic physicians may testify either as experts or when their patients are involved in court cases, workers' compensation proceedings or in other similar proceedings in personal injury or related cases;

7. The chiropractic profession should address itself to improvements in licensing procedures consistent with the development of the profession and of relevant advances in science;

8. Chiropractic physicians who are public officers part time or full time, should not engage in activities which are, or may be perceived to be, in conflict with their official duties; and

9. Chiropractic physicians should protect the public and reputation of the chiropractic profession by bringing to the attention of the appropriate public or private organizations those chiropractic physicians who engage in deception, fraud or dishonesty, or otherwise engage in conduct inconsistent with this Code of Ethics, the rules of the Board of Chiropractic Examiners, or the laws of this state.

D. Responsibility to the profession:

1. Chiropractic physicians should assist in maintaining the integrity, competency and highest standards of the chiropractic profession;

2. Chiropractic physicians should, by their behavior, avoid even the appearance of professional impropriety and should recognize that their public behavior may have an impact on the ability of the profession to serve the public. Chiropractic physicians should promote public confidence in the chiropractic profession;

3. Chiropractic physicians and their immediate dependents should receive gratuitous professional services from other doctors of chiropractic;

4. As teachers, chiropractic physicians should recognize their obligation to help others acquire knowledge and skill in the practice of the profession. They should maintain high standards of scholarship, education, training and objectivity in the accurate and full dissemination of information and ideas;

5. Chiropractic physicians should promote and maintain cordial relationships with other members of the chiropractic profession and other professions for the exchange of information advantageous to the public's health and well-being; and

6. Chiropractic physicians shall, at their discretion, be listed in all directories as:

a. Physicians, Chiropractic,

b. Chiropractors, or

c. Doctors of Chiropractic.

~~In addition, chiropractic physicians, at their discretion, may be listed as Chiropractor or Doctor of Chiropractic.~~

SECTION 2. AMENDATORY 59 O.S. 1991, Section 160.1, as amended by Section 16, Chapter 150, O.S.L. 1993 (59 O.S. Supp. 1994, Section 160.1), is amended to read as follows:

Section 160.1 The terms "~~chiropr~~ody", "podiatry" and "podiatric medicine" are synonymous and mean the branch of the healing arts defined in the Podiatric Medicine Practice Act. Wherever in the Oklahoma Statutes reference is made to the term "~~chiropr~~ody" ~~or the term~~ "podiatry", the same shall be interpreted to mean "podiatric medicine", and wherever reference is made to the term "~~chiropr~~odist" ~~or the term~~ "podiatrist", the same shall be interpreted to mean "podiatric physician".

SECTION 3. AMENDATORY 59 O.S. 1991, Section 535, is amended to read as follows:

Section 535. A. Nothing herein shall be construed to authorize the practice of medicine by any person. The provisions of this act do not apply to physicians licensed as such by the State Board of Medical Licensure and Supervision; to dentists, duly qualified and registered under the laws of this state who confine their practice strictly to dentistry as defined by this title; nor to licensed optometrists who confine their practice strictly to optometry as defined by law; nor to licensed ~~chiropractors~~ chiropractic physicians who confine their practice strictly to chiropractic as defined by law; nor to licensed osteopathic physicians or osteopathic physicians and surgeons who confine their practice strictly to osteopathy as defined by law; nor to occupational therapists who confine their practice to occupational therapy as defined by this title; nor to nurses who practice nursing only as defined by this title; nor to duly licensed ~~chiropr~~odists ~~or podiatrists~~ podiatric physicians who confine their practice strictly to ~~chiropr~~ody ~~or podiatry~~ podiatric medicine as defined by law; nor to physical therapists who confine their practice to physical therapy as defined by this title; nor to masseurs or masseuses in their particular sphere of labor; nor to commissioned or contract physicians or physical therapists or physical therapists' assistants in the United States Army, Navy, Air Force, Public Health and Marine Health Service Services.

B. The provisions of this act shall not apply to persons coming into this state for a specific athletic event or series of athletic events with an individual or group not based in this state.

SECTION 4. 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 to the ~~Oklahoma State Board of Chiropr~~ody Podiatric Medical Examiners, the Board of Chiropractic Examiners, the State Board of Medical Licensure and Supervision, the Board of Examiners in Optometry, the Board of Pharmacy, or the State Board of ~~Osteopathy~~ Osteopathic Examiners, for the purpose of enforcing the respective acts and laws creating and establishing ~~such~~ these boards.

SECTION 5. AMENDATORY 76 O.S. 1991, Section 24, is amended to read as follows:

Section 24. In Sections ~~5~~ 25 through ~~10~~ 29 of this ~~act~~ title, the following definitions shall apply:

1. "Professional review body" means a public or private body organized in whole or in part for the purpose of maintaining standards of conduct and competence for accountants, architects, chiroprodists, chiropractors, podiatric physicians, chiropractic physicians, dentists, professional engineers, nurses, pharmacists, physicians, psychologists, or veterinarians;

2. "Professional review action" means an action or recommendation taken or made by a professional review body which adversely affects a person's ability to perform ~~his~~ a profession but shall not include actions taken or recommendations made by a private professional review body against a person who does not have a reasonable connection to the body's sponsoring organization; and

3. "Sponsoring organization" means a professional association or an institution through which persons practice ~~their professions~~ a profession in whole or in part.

SECTION 6. This act shall become effective November 1, 1995.

Passed the House of Representatives the 15th day of May, 1995.

Speaker of the House of
Representatives

Passed the Senate the 16th day of May, 1995.

President of the Senate