

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 2147

By: Paulk

AS INTRODUCED

An Act relating to professions and occupations;
amending 59 O.S. 1991, Section 161.12, which
relates to the Oklahoma Chiropractic Practice Act;
updating and clarifying language; providing for
burden of proof as clear and convincing evidence
for certain hearings; modifying grounds for certain
penalties; adding penalties; amending 59 O.S. 1991,
Section 731.7, which relates to the healing arts;
defining term; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 161.12, is amended to read as follows:

Section 161.12 A. The Board of Chiropractic Examiners is authorized, after notice and an opportunity for a hearing, pursuant to Article II of the Administrative Procedures Act, to issue an order imposing one or more of the following penalties whenever ~~it~~ the Board finds ~~any~~ by clear and convincing evidence that a chiropractic physician ~~guilty of~~ has committed any of the acts set forth in subsection B of this section:

1. Disapproval of an application for a renewal license;

2. Revocation or suspension of an original license or renewal license, or both;

3. Restriction of the practice of a chiropractic physician under such terms and conditions as deemed appropriate by the Board;

4. ~~Imposition of an~~ An administrative fine not to exceed One Thousand Dollars (\$1,000.00) for each count or separate ~~offense~~ violation;

5. ~~Issuance of a~~ A censure or reprimand; and

6. Placement of a chiropractic physician on probation for a period of time and ~~subject to~~ under such terms and conditions as the Board may specify, including requiring the chiropractic physician to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another chiropractic physician.

B. The following acts or occurrences by a chiropractic physician shall constitute grounds for which the penalties specified in subsection A of this section may be imposed by order of the Board:

1. ~~Being~~ Pleading guilty or nolo contendere to, or being convicted of a felony ~~or of any offense,~~ a misdemeanor involving moral turpitude, or ~~of violating the laws relating to a violation of~~ federal or state controlled dangerous ~~substances of the United States or the State of Oklahoma~~ substance laws. A copy of the judgment and sentence of said conviction, duly certified by the clerk of the court in which the conviction was obtained, and a certificate of said clerk that said conviction has become final, shall be sufficient evidence for the imposition of a penalty;

2. Being habitually drunk or habitually using habit-forming drugs;

3. Using advertising in which statements are made that are fraudulent, deceitful or misleading to the public;

4. Aiding or abetting any person not licensed to practice chiropractic in this state to practice chiropractic, except students who are regularly enrolled in an accredited chiropractic college;

5. Performing or attempting to perform major or minor surgery in this state, or using electricity in any form for surgical purposes, including cauterization;

6. Using or having in his possession any instrument for treatment purposes, the use or possession of which has been prohibited or declared unlawful by any agency of the United States or the State of Oklahoma;

7. Unlawfully possessing, prescribing or administering any drug, medicine, serum or vaccine. This section shall not prevent a chiropractic physician from possessing, prescribing or administering, by a needle or otherwise, vitamins, minerals or nutritional supplements, or from practicing within the scope of the science and art of chiropractic as defined in Section 161.2 of this title;

8. Advertising or displaying, directly or indirectly, any certificate, diploma or other document which conveys or implies information that said person is skilled in any healing art other than chiropractic unless he also possesses a valid current license in said healing art;

9. Obtaining an original license or renewal license in a fraudulent manner;

10. Violating any provision of the Oklahoma Chiropractic Practice Act; or

11. Violating any of the rules of the Board.

C. Any chiropractic physician against whom a penalty is imposed by an order of the Board under the provisions of this section shall have the right to seek a judicial review of such order pursuant to Article II of the Administrative Procedures Act.

D. When an original license or renewal license, or both, have been suspended under the provisions of this section, and the period of suspension has expired, such license or licenses shall be reinstated upon the payment to the Board of a reinstatement fee in the amount of One Hundred Dollars (\$100.00).

E. The Board may by rule establish guidelines for the disposition of disciplinary cases involving specific types of violations. Such guidelines may include minimum and maximum fines, periods of supervision or probation, conditions of probation, or conditions for the reinstatement of an original license or renewal license, or both.

F. If no order imposing a penalty against a chiropractic physician is issued by the Board within two (2) years after a complaint against such chiropractic physician is received by the Board, said complaint and all related documents shall be expunged from the records of the Board.

SECTION 2. AMENDATORY 59 O.S. 1991, Section 731.7, is amended to read as follows:

Section 731.7 A. No person shall perform spinal manipulation in this state until first being adequately trained in this procedure through formal education at an accredited college or school.

B. As used in this section, "spinal manipulation" means a manual procedure that involves a directed thrust to move a spinal joint past the physiological range of motion without exceeding the anatomical limit.

SECTION 3. This act shall become effective November 1, 1997.

46-1-5275 KSM