

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

HOUSE BILL HB2664

By: Kirby

AS INTRODUCED

An Act relating to professions and occupations; creating the State Board of Homeopathic Physicians and Surgeons; providing for appointments, qualifications, terms of office, and vacancies; providing for officers, meetings and compliance with certain statutes; providing for the use of a common seal; providing for examinations; requiring certain oath; requiring the bonding of certain employees; providing certain funding; providing for the hiring of certain employees; requiring certain records be kept; specifying such records; providing for a register and the submission of such; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3005 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the State Board of Homeopathic Physicians and Surgeons to continue until July 1, 2006, in accordance with the provisions of the Oklahoma Sunset Law.

B. 1. The State Board of Homeopathic Physicians and Surgeons shall consist of four (4) members appointed by the Governor, three of whom hold the degree of Doctor of Medicine in Homeopathic Medicine and Surgery (M.D.H.) prior to their appointment, and one lay member. The homeopathic physician members shall be appointed from a list of names submitted to the Governor by the Oklahoma Physicians and Surgeons Association.

2. The Governor shall appoint the initial members of the Board by July 1, 2000. All such initial appointments made to the Board shall be for terms of seven (7) years.

3. Subsequent appointments to the Board shall be for a term of five (5) years.

4. In the event of a vacancy brought about for any reason, the post so vacated shall be filled from a list of names submitted by the Oklahoma Physicians and Surgeons Association.

C. The Board shall have and use a common seal and make and adopt all necessary rules and bylaws relating to the enforcement of the provisions of the Oklahoma Homeopathic Physicians and Surgeons Act.

D. Examinations may be held at the discretion of the Board, at the time and place fixed by the Board, and all applicants shall be notified in writing.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3006 of Title 59, unless there is created a duplication in numbering, reads as follows:

Each member of the State Board of Homeopathic Physicians and Surgeons shall, before entering upon the duties of the office, take the oath of office prescribed by the Oklahoma Constitution before someone qualified to administer oaths and shall make an oath that the member is a legally qualified practitioner of homeopathic medicine and surgery in this state.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3007 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. 1. The State Board of Homeopathic Physicians and Surgeons shall, immediately after the members have been qualified, elect a president, vice-president and secretary-treasurer.

2. The president of the Board shall preside at all meetings of the Board and perform such other duties as the Board by its rule may prescribe.

3. The vice-president shall perform all the duties of the president during the president's absence or disability.

4. The secretary-treasurer shall keep a record of all proceedings of the Board and perform such other duties as are prescribed in the Oklahoma Homeopathic Physicians and Surgeons Act, or which may be prescribed by the Board. It shall be the duty of the secretary-treasurer to receive and care for all monies coming into the hands of said Board, and to pay out the same upon orders of the Board.

B. 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.

C. The Board may expend such funds as are necessary in implementing the duties of the Board. The Board may hire:

1. All necessary administrative, clerical and stenographic assistance as the Board shall deem necessary at a salary to be fixed by the Board;

2. An attorney, on a case-by-case basis, to represent the Board in legal matters and to assist authorized state and county officers in prosecuting or restraining violations of the provisions of the Oklahoma Homeopathic Physicians and Surgeons Act. The Board shall fix the compensation of said attorney; and

3. One or more investigators as may be necessary to implement the provisions of the Oklahoma Homeopathic Physicians and Surgeons Act at an annual salary to be fixed by the Board, and the Board may authorize necessary expenses. In addition, the investigators may investigate and inspect the nonfinancial business records of all persons licensed pursuant to the Oklahoma Homeopathic Physicians and Surgeons Act in order to determine whether or not licensees are in

compliance with the Oklahoma Homeopathic Physicians and Surgeons Act and the Uniform Controlled Dangerous Substances Act, or any other law, rule of the State of Oklahoma, or any federal law or rule affecting the practice of homeopathic medicine.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3008 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The State Board of Homeopathic Physicians and Surgeons shall preserve a record of its proceedings in a register for that purpose, which shall be open to public inspection at all reasonable times, showing:

1. The name, age, place and duration of residence of each applicant;

2. The time spent in the study of homeopathic medicine and surgery;

3. The year and school from which degrees were granted;

4. Its proceeding relative to the issuance, refusal, renewal, suspension, or revocation of licenses applied for, and issued pursuant to the Oklahoma Homeopathic Physicians and Surgeons Act; and

5. The name, known place of business and residence, and the date and license number of each registered homeopathic physician and surgeon.

The register shall be prima facie evidence of all matters contained therein.

B. The secretary-treasurer of the Board shall submit on March 1 of each year an official copy of the register to the Oklahoma Secretary of State for permanent record. A certified copy of the register, or any part thereof, with the hand and seal of the secretary-treasurer of the State Board of Homeopathic Physicians and Surgeons, or the Secretary of State, shall be admitted in evidence in all courts of this state.

SECTION 5. This act shall become effective July 1, 2000.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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