

ENGROSSED SENATE
BILL NO. 415

By: Eason McIntyre of the
Senate

and

Steele of the House

An Act relating to professions and occupations;
amending 59 O.S. 2001, Chapter 161.4, as last amended
by Section 2, Chapter 269, O.S.L. 2004 (59 O.S. Supp.
2004, Section 161.4), which relates to the Board of
Chiropractic Examiners; providing for appointment and
terms of members; modifying certain districts; and
providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 161.4, as
last amended by Section 2, Chapter 269, O.S.L. 2004 (59 O.S. Supp.
2004, 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, 2006, in accordance with the
provisions of the Oklahoma Sunset Law. The 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 eight chiropractic
physicians and one lay member representing the public.

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 appointment to the
Board;
3. Be free of pending disciplinary action or active
investigation by the Board;
4. Be a person of recognized professional ability, integrity
and good reputation; and

5. Be in active clinical chiropractic practice at least fifty percent (50%) of the time.

C. The lay member of the Board shall:

1. Be a legal resident of this state; and

2. Not be a registered or licensed practitioner of any of the healing arts or be related within the third degree of consanguinity or affinity to any such person.

D. ~~1. Each chiropractic physician member of the Board shall be appointed for four (4) years.~~ The Governor shall appoint new members to the Board and for terms of years as follows:

~~a. one Board member from district two and one Board member from district four by November 2004,~~

~~b. one Board member from district six and one Board member from district seven in June 2005, and~~

~~c. one Board member from district eight in November 2005.~~

~~2. Upon expiration of the term of a Board member, the Governor shall appoint a Board member from the district of the vacating Board member.~~

~~3. The members of the Board appointed after July 1, 2004, shall serve terms of one (1) year to three (3) years so that only one term expires in each calendar year.~~

4. 1. Position 1: Upon expiration of the term of the board member whose term expires November 2, 2006, the Governor shall appoint a board member from District 1 for a term of four (4) years to expire on November 1, 2010, and every four (4) years thereafter;

2. Position 2: Upon expiration of the term of the board member whose term expires November 1, 2005, the Governor shall appoint a board member from District 2 for a term of four (4) years to expire on November 1, 2009, and every four (4) years thereafter;

3. Position 3: Upon expiration of the term of the board member whose term expires June 7, 2007, the Governor shall appoint a board

member from District 3 for a term of four (4) years to expire on June 1, 2011, and every four (4) years thereafter;

4. Position 4: Upon expiration of the term of the board member whose term expires November 1, 2007, the Governor shall appoint a board member from District 4 for a term of four (4) years to expire on November 1, 2011, and every four (4) years thereafter;

5. Position 5: Upon expiration of the term of the board member whose term expires June 7, 2008, the Governor shall appoint a board member from District 5 for a term of four (4) years to expire on June 1, 2012, and every four (4) years thereafter;

6. Position 6: On June 1, 2005, the Governor shall appoint a board member from District 6 for a term of one (1) year to expire on June 1, 2006, and every four (4) years thereafter;

7. Position 7: On November 1, 2005, the Governor shall appoint a board member from District 7 for a term of three (3) years to expire on November 1, 2008, and every four (4) years thereafter;

8. Position 8: Upon expiration of the term of the board member whose term expires June 7, 2005, the Governor shall appoint a board member from the state at large for a term of four (4) years to expire on June 1, 2009, and every four (4) years thereafter; and

9. Position 9: The lay member of the Board shall serve a term coterminous with that of the Governor.

E. For the purpose of the Oklahoma Chiropractic Practice Act, the state shall be divided into the following districts:

1. District 1: Alfalfa, Beaver, Beckham, Caddo, Cimarron, Custer, Dewey, Ellis, Grant, Greer, Garfield, Harmon, Harper, Jackson, Kiowa, Major, Noble, Roger Mills, Texas, Washita, Woods and Woodward Counties;

2. District 2: Tulsa County;

3. District 3: Kay, Logan, Lincoln, Osage, Pawnee, Payne and Pottawatomie Counties;

4. District 4: Carter, Comanche, Cotton, Garvin, Grady, Love, Murray, Jefferson, Stephens and Tillman Counties;

5. District 5: Blaine, Canadian, Cleveland, Kingfisher, McClain and Oklahoma Counties;

6. District 6: Atoka, Bryan, Coal, Choctaw, Creek, Hughes, Johnston, Latimer, LeFlore, Marshall, McCurtain, Okfuskee, Pittsburg, Pontotoc, Pushmataha and Seminole Counties; and

7. District 7: Adair, Cherokee, Craig, Delaware, Haskell, Mayes; McIntosh, Muskogee, Nowata, Okmulgee, Ottawa, Rogers; Sequoyah ~~and,~~ Wagoner and Washington Counties; ~~and~~

~~District 8: Craig, Delaware, Mayes, Nowata, Ottawa, Rogers and Washington Counties.~~

Members appointed after June 2002, shall serve no more than two (2) consecutive terms.

F. 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.

G. 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 the article.

H. 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 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 meetings of the Board without just cause, as determined by the Board.

SECTION 2. This act shall become effective November 1, 2005.

Passed the Senate the 3rd day of March, 2005.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2005.

Presiding Officer of the House
of Representatives