

ENGROSSED SENATE
JOINT
RESOLUTION NO. 64

By: Leftwich of the Senate

and

Wright of the House

A Joint Resolution relating to proposed permanent rules of the Oklahoma Board of Chiropractic Examiners; approving and amending and approving as amended proposed permanent rules of the Oklahoma Board of Chiropractic Examiners regarding chiropractic specialties; directing distribution; and declaring an emergency.

WHEREAS, pursuant to Sections 250.2 and 308 of Title 75 of the Oklahoma Statutes, the Legislature reserves the right to designate the method for rule promulgation, establish policy, determine that a rule is not consistent with legislative intent and disapprove any rule or any portion thereof at any time; and

WHEREAS, pursuant to Section 161.4 of Title 59 of the Oklahoma Statutes, the Board of Chiropractic Examiners shall regulate the practice of chiropractic in this state in accordance with the provisions of the Oklahoma Chiropractic Practice Act; and

WHEREAS, proposed permanent rules OAC 140:15-9-1, OAC 140:15-9-2, OAC 140:15-9-3, OAC 140:15-9-4, OAC 140:15-9-5 and OAC 140:15-9-6 relate to chiropractic specialties; and

WHEREAS, the Legislature recognized proposed permanent rule OAC 140:15-9-3 which was adopted by the Board of Chiropractic Examiners on February 28, 2006, and submitted to the Legislature and the Governor on March 8, 2006, for consideration, is consistent with legislative intent; and

WHEREAS, the Legislature recognizes proposed permanent rules OAC 140:15-9-1, OAC 140:15-9-2, OAC 140:15-9-4, OAC 140:15-9-5 and OAC 140:15-9-6 which were adopted by the Board of Chiropractic Examiners

on February 28, 2006, and submitted to the Legislature and the Governor on March 8, 2006, for consideration, are not consistent with legislative intent as they contain technical errors.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 50TH OKLAHOMA LEGISLATURE:

SECTION 1. The Legislature hereby approves proposed permanent rule OAC 140:15-9-3.

SECTION 2. The Legislature hereby amends and approves as amended proposed permanent rule OAC 140:15-9-1 as follows: The Board shall have practice oversight authority for all ~~post-doctoral~~ post-doctorate Diplomate chiropractic specialties. No chiropractic physician shall represent to the public that he/she is a specialist in any area unless said chiropractic physician is registered with the Board. The Board shall review all ~~post-doctoral chiropractic specialty~~ post-doctorate Diplomate registration applications and shall approve those applications that meet Board requirements.

SECTION 3. The Legislature hereby amends and approves as amended proposed permanent rule OAC 140:15-9-2 as follows: Chiropractic physicians shall not be registered by the Board as a ~~specialist or~~ post-doctorate Diplomate specializing in any activity unless they have received certification for that specialty from a specialty council approved by the International Chiropractic Association or the American Chiropractic Association, or its equivalent specialty board or council approved by the Board.

SECTION 4. The Legislature hereby amends and approves as amended proposed permanent rule OAC 140:15-9-4 as follows: Any doctor of chiropractic in the State of Oklahoma who desires to hold himself or herself out to the public as being a ~~Specialist~~ post-doctorate Diplomate in an area must first register with the Board of Chiropractic Examiners. Initial registration requires a Chiropractic Physician to submit the following to the Board:

- a. a completed application on a form approved by the Board;

- b. the specialty registration fee, as set by the Board; and
- c. documentation of ~~diplomate~~ Diplomate status issued by the ~~diplomate~~ Diplomate board, verifying that the licensee has met the protocols, guidelines, standards and continuing education hours required by the respective council.

Upon a successful demonstration of these requirements, the Board of Chiropractic Examiners shall add the applicant's name to the registry.

SECTION 5. The Legislature hereby amends and approves as amended proposed permanent rule OAC 140:15-9-5 as follows: Each doctor of chiropractic in the State of Oklahoma who holds himself or herself out to the public as being a ~~specialist~~ post-doctorate Diplomate in an area must re-register with the Board of Chiropractic Examiners and submit the following to the Board on or before December 31st of each year:

- a. the ~~specialty~~ post-doctorate Diplomate re-registration fee, as set by the Board; and
- b. documentation of ~~diplomate~~ Diplomate status issued by the respective council, verifying that the licensee has met the protocols, guidelines, standards, and continuing educational requirements established by the respective council.

Upon a successful demonstration of these requirements, the Board of Chiropractic Examiners shall ~~continue~~ allow the applicant's name to remain on the registry.

SECTION 6. The Legislature hereby amends and approves as amended permanent rule OAC 140:15-9-6 as follows: Only those chiropractic physicians holding a ~~post-doctorate diplomate specialist~~ post-doctorate Diplomate in post-graduate training and certification programs recognized by the respective council may hold themselves out to the public as possessing special knowledge, skills or training as a ~~post-doctorate diplomate specialist~~ post-doctorate

Diplomate. Any ~~advertisement which states that a chiropractic~~
physician who advertises that the chiropractic physician has special
training or skills certified in a ~~specialty~~ post-doctorate Diplomate
not recognized by the respective council is engaged in deceptive and
misleading advertising practices~~+~~.

It shall be prohibited by the Board of Chiropractic Examiners
for any person to advertise as a ~~post-doctorate chiropractic~~
~~specialist~~ post-doctorate Diplomate without first being on the Board
of Chiropractors Specialty Registry~~+~~.

SECTION 7. The Secretary of State is hereby directed to
distribute copies of this resolution to the Governor, the Board of
Chiropractic Examiners and the Editor of "The Oklahoma Register".

SECTION 8. 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.

Passed the Senate the 27th day of March, 2006.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2006.

Presiding Officer of the House
of Representatives