ENROLLED HOUSE
BILL NO. 2123

By: Wright of the House

and

Easley of the Senate

An Act relating to sunset; amending 59 O.S. 2001, Section 161.4, as last amended by Section 38 of Enrolled House Bill No. 3139 of the 2nd Session of the 50th Oklahoma Legislature, which relates to the Board of Chiropractic Examiners; re-creating the Board; and modifying the termination 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 38 of Enrolled House Bill No. 3139 of the 2nd Session of the 50th Oklahoma Legislature, 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~~ 2012, 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. The Governor shall appoint members to the Board and for terms of years as follows:

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, Wagoner 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.

I. No member of the Board shall be:

1. A registered lobbyist; or

2. An officer, board member or employee of a statewide organization established for the purpose of advocating the interests of chiropractors licensed pursuant to the Oklahoma Chiropractic Practice Act.

Passed the House of Representatives the 22nd day of February, 2006.

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Presiding Officer of the House of Representatives

Passed the Senate the 10th day of April, 2006.

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Presiding Officer of the Senate