

**EHB 2123**

**THE STATE SENATE**  
**Thursday, March 30, 2006**

**ENGROSSED**

**House Bill No. 2123**

ENGROSSED 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 1, Chapter 149, O.S.L. 2005 (59 O.S. Supp. 2005, Section 161.4) 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 1, Chapter 149, O.S.L. 2005 (59 O.S. Supp. 2005, 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~~ 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;

1           2. Have practiced chiropractic continuously in this state  
2 during the five (5) years immediately preceding appointment to the  
3 Board;

4           3. Be free of pending disciplinary action or active  
5 investigation by the Board;

6           4. Be a person of recognized professional ability, integrity  
7 and good reputation; and

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

10          C. The lay member of the Board shall:

11           1. Be a legal resident of this state; and

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

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

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

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

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

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

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

7           4. The lay member of the Board shall serve a term coterminous  
8 with that of the Governor.

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

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

15           District 2: Tulsa County;

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

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

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

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

4 District 7: Adair, Cherokee, Haskell, McIntosh, Muskogee,  
5 Okmulgee, Sequoyah and Wagoner Counties; and

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

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

10 F. Each member shall hold office until the expiration of the  
11 term of office for which appointed or until a qualified successor  
12 has been duly appointed. An appointment shall be made by the  
13 Governor within ninety (90) days after the expiration of the term of  
14 any member, or the occurrence of a vacancy on the Board due to  
15 resignation, death, or any other cause resulting in an unexpired  
16 term.

17 G. Before assuming duties on the Board, each member shall take  
18 and subscribe to the oath or affirmation provided in Article XV of  
19 the Oklahoma Constitution, which oath or affirmation shall be  
20 administered and filed as provided in the article.

21 H. A member may be removed from the Board by the Governor for  
22 cause which shall include, but not be limited to:

23 1. Ceasing to be qualified;

1           2. Being found guilty by a court of competent jurisdiction of a  
2 felony or any offense involving moral turpitude;

3           3. Being found guilty, through due process, of malfeasance,  
4 misfeasance or nonfeasance in relation to Board duties;

5           4. Being found mentally incompetent by a court of competent  
6 jurisdiction;

7           5. Being found in violation of any provision of the Oklahoma  
8 Chiropractic Practice Act; or

9           6. Failing to attend three meetings of the Board without just  
10 cause, as determined by the Board.

11          I. No member of the Board shall be:

12           1. A registered lobbyist; or

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

17 COMMITTEE REPORT BY: COMMITTEE ON SUNSET REVIEW, dated 3-28-06 - DO  
18 PASS.