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THE STATE SENATE
Thursday, February 10, 2005

Senate Bill No. 415

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;

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

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

15 3. Position 3: Upon expiration of the term of the board member
16 whose term expires June 7, 2007, the Governor shall appoint a board
17 member from District 3 for a term of four (4) years to expire on
18 June 1, 2011, and every four (4) years thereafter;

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

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

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

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

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

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

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

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

23 2. District 2: Tulsa County;

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

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

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

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

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

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

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

17 F. Each member shall hold office until the expiration of the
18 term of office for which appointed or until a qualified successor
19 has been duly appointed. An appointment shall be made by the
20 Governor within ninety (90) days after the expiration of the term of
21 any member, or the occurrence of a vacancy on the Board due to
22 resignation, death, or any other cause resulting in an unexpired
23 term.

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

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

7 1. Ceasing to be qualified;

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

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

12 4. Being found mentally incompetent by a court of competent
13 jurisdiction;

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

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

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

19 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND LABOR, dated 2-7-05 -
20 DO PASS, As Coauthored.