STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1212 By: Wright

AS INTRODUCED

An Act relating to sunset; amending 59 O.S. 2001, Section 137, which relates to the Board of Podiatric Medical Examiners; re-creating the Board; and modifying termination date.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 137, is amended to read as follows:

Section 137. A. A Board of Podiatric Medical Examiners is hereby re-created, to continue until July 1, ~~2005~~ 2011, in accordance with the provisions of the Oklahoma Sunset Law. Said Board shall regulate the practice of podiatric medicine in this state in accordance with the provisions of the Podiatric Medicine Practice Act. The Board, appointed by the Governor, shall be composed of five (5) podiatric physicians licensed to practice podiatric medicine in this state and one (1) lay member representing the public.

B. Each podiatric physician member of the Board shall:

1. Be a legal resident of this state;

2. Have practiced podiatric medicine continuously in this state during the three (3) years immediately preceding his appointment to the Board;

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

4. Be a member in good standing of the American Podiatric Medical Association and of the Oklahoma Podiatric Medical Association.

C. The lay member of the Board shall:

1. Be a legal resident of this state;

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; and

3. Participate in Board proceedings only for the purposes of:

a. reviewing, investigating and disposing of written complaints regarding the conduct of podiatric physicians; and

b. formulating, adopting and promulgating rules pursuant to Article I of the Administrative Procedures Act.

D. Except as provided in subsection E of this section, the term of office of each podiatric physician member of the Board shall be five (5) years, with one such member being appointed to the Board each year. The lay member of the Board shall serve a term coterminous with that of the Governor. Each member shall hold office until the expiration of the term 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. The appointment of the podiatric physician members shall be made from a list of not less than five persons submitted annually to the Governor by the Oklahoma Podiatric Medical Association.

E. Each of the three podiatric physician members of the Board, serving on the effective date of this act, shall complete the term of office for which he was appointed, and the successor to each such member shall be appointed for a term of five (5) years. Within

sixty (60) days after the effective date of this act, the Governor shall appoint two new podiatric physician members to the Board, one for a term expiring July 1, 1997, and one for a term expiring on July 1, 1998. The successor to each such new member shall be appointed for a term of five (5) years.

F. Before assuming his 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 said article.

G. 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 of any offense involving moral turpitude;

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

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

5. Being found in violation of any provision of the Podiatric Medicine Practice Act; or

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

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