

THE HOUSE OF REPRESENTATIVES
Tuesday, April 15, 2008

Committee Substitute for
ENGROSSED
Senate Bill No. 1789

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1789 - By:
EASLEY of the Senate and ADKINS of the House.

(Professions and occupations - Oklahoma Chiropractic Practice Act -
effective date)

1 SECTION 1. AMENDATORY 59 O.S. 2001, Section 161.11, as last amended by
2 Section 1, Chapter 36, O.S.L. 2006 (59 O.S. Supp. 2007, Section 161.11), is amended to
3 read as follows:

4 Section 161.11 A. 1. Beginning January 1, 2005:

- 5 a. a person holding an original license and who is actively engaged in the
- 6 practice of chiropractic in this state shall pay to the Board of
- 7 Chiropractic Examiners, on or before ~~January 1~~ July 1 of each year, a
- 8 renewal license fee of Two Hundred Twenty-five Dollars (\$225.00),
- 9 b. an inactive nonresident holding an original license to practice
- 10 chiropractic in Oklahoma and who has filed a statement with the
- 11 Board that the licensee is not actively engaged in the practice of
- 12 chiropractic in this state and shall not engage in the practice of

1 chiropractic in this state during the succeeding year, shall pay to the
2 Board, on or before ~~January 1~~ July 1 of each year, a renewal license fee
3 of One Hundred Seventy-five Dollars (\$175.00),

4 c. an inactive resident holding an original license to practice chiropractic
5 in Oklahoma, and who has filed, or on whose behalf has been filed, a
6 statement with the Board that because of illness, infirmity, active
7 military service or other circumstances as approved by the Board, the
8 licensee is unable to actively engage in the practice of chiropractic
9 during the succeeding year, shall pay to the Board a renewal license
10 fee of One Hundred Dollars (\$100.00), and

11 d. a person holding an original license, but who is sixty-five (65) years of
12 age or older and who has filed a statement with the Board that the
13 licensee is not actively engaged in the practice of chiropractic in this
14 state and shall not engage in the practice of chiropractic in this state
15 during the succeeding year, shall pay to the Board a renewal licensee
16 fee of Fifty Dollars (\$50.00).

17 2. In addition, each licensee shall present to the Board satisfactory evidence that
18 during the preceding twelve (12) months the licensee attended sixteen (16) hours of
19 continuing education that meets the requirements of Section 161.10a of this title,
20 provided that inactive resident licensees may, at the discretion of the Board, be exempt
21 from this requirement.

1 3. Beginning January 1, 2006, every chiropractic physician who is actively engaged
2 in the practice of chiropractic in this state shall submit to the Board documentary
3 evidence that the chiropractor has malpractice insurance and maintains such insurance
4 twelve (12) months of each year when practicing in this state. Any licensee who is not
5 actively engaged in practice in this state, shall be exempt from providing proof of
6 malpractice insurance.

7 B. Subject to the laws of this state and rules promulgated pursuant to the
8 Oklahoma Chiropractic Practice Act, the Board shall, upon determination that a licensee
9 has complied with the requirements of subsection A of this section, issue a renewal
10 license to said licensee.

11 C. The failure of a licensee to properly renew a license or certificate shall be
12 evidence of noncompliance with the Oklahoma Chiropractic Practice Act.

13 1. The license shall automatically be placed in a lapsed status for failure to renew
14 and shall be considered lapsed and not in good standing for purposes of the practice of
15 chiropractic.

16 2. If within sixty (60) calendar days after ~~January 1~~ July 1, the licensee pays the
17 renewal fee, and the reinstatement fee set by the Board, the license may be reactivated.

18 3. If sixty (60) calendar days elapse and the license is not reinstated, the license
19 shall automatically be suspended for failure to renew.

20 4. The practice of chiropractic is prohibited unless the license is active and in good
21 standing with the Board.

1 D. When an original license or renewal license, or both, have been suspended under
2 the provisions of this section, the license or licenses may be reinstated upon:

3 1. Payment of a reinstatement fee in an amount fixed by the Board not to exceed
4 Four Hundred Dollars (\$400.00);

5 2. Payment of the renewal license fee for the calendar year in which the original
6 license is reinstated; and

7 3. Presentation to the Board of satisfactory evidence of compliance with the
8 continuing education requirement of this section for the calendar year in which the
9 original license is reinstated.

10 E. The Board, by rule, may establish guidelines for the disposition of disciplinary
11 cases involving specific types of violations. The guidelines may include, but are not
12 limited to:

13 1. Minimum and maximum administrative fines;

14 2. Periods of suspension, probation or supervision;

15 3. Terms and conditions of probation; and

16 4. Terms and conditions for the reinstatement of an original license or renewal
17 license, or both.

18 SECTION 2. AMENDATORY 59 O.S. 2001, Section 161.12, as last amended by
19 Section 10, Chapter 269, O.S.L. 2004 (59 O.S. Supp. 2007, Section 161.12), is amended to
20 read as follows:

21 Section 161.12 A. The Board of Chiropractic Examiners is authorized, after notice
22 and an opportunity for a hearing pursuant to Article II of the Administrative Procedures

1 Act, to issue an order imposing one or more of the following penalties whenever the
2 Board finds, by clear and convincing evidence, that a chiropractic physician has
3 committed any of the acts or occurrences set forth in subsection B of this section:

4 1. Disapproval of an application for a renewal license;

5 2. Revocation or suspension of an original license or renewal license, or both;

6 3. Restriction of the practice of a chiropractic physician under such terms and
7 conditions as deemed appropriate by the Board;

8 4. An administrative fine not to exceed One Thousand Dollars (\$1,000.00) for each
9 count or separate violation;

10 5. A censure or reprimand; and

11 6. Placement of a chiropractic physician on probation for a period of time and under
12 such terms and conditions as the Board may specify, including requiring the chiropractic
13 physician to submit to treatment, to attend continuing education courses, to submit to
14 reexamination, or to work under the supervision of another chiropractic physician.

15 B. The following acts or occurrences by a chiropractic physician shall constitute
16 grounds for which the penalties specified in subsection A of this section may be imposed
17 by order of the Board:

18 1. Pleading guilty or nolo contendere to, or being convicted of, a felony, a
19 misdemeanor involving moral turpitude, or a violation of federal or state controlled
20 dangerous substances laws. A copy of the judgment and sentence of the conviction, duly
21 certified by the clerk of the court in which the conviction was obtained, and a certificate

1 of the clerk that the conviction has become final, shall be sufficient evidence for the
2 imposition of a penalty;

3 2. Being habitually drunk or habitually using habit-forming drugs;

4 3. Using advertising in which statements are made that are fraudulent, deceitful or
5 misleading to the public;

6 4. Aiding or abetting any person not licensed to practice chiropractic in this state to
7 practice chiropractic, except students who are regularly enrolled in an accredited
8 chiropractic college;

9 5. Performing or attempting to perform major or minor surgery in this state, or
10 using electricity in any form for surgical purposes, including cauterization;

11 6. Using or having in a chiropractic physician's possession any instrument for
12 treatment purposes, the use or possession of which has been prohibited or declared
13 unlawful by any agency of the United States or the State of Oklahoma;

14 7. Unlawfully possessing, prescribing or administering any drug, medicine, serum
15 or vaccine. This section shall not prevent a chiropractic physician from possessing,
16 prescribing or administering, by a needle or otherwise, vitamins, minerals or nutritional
17 supplements, or from practicing within the scope of the science and art of chiropractic as
18 defined in Section 161.2 of this title;

19 8. Advertising or displaying, directly or indirectly, any certificate, diploma or other
20 document which conveys or implies information that the person is skilled in any healing
21 art other than chiropractic unless the chiropractic physician also possesses a valid
22 current license in said healing art;

1 9. Obtaining an original license or renewal license in a fraudulent manner;

2 10. Violating any provision of the Unfair Claims Settlement Practices Act or any
3 rule promulgated pursuant thereto;

4 11. Willfully aiding or assisting an insurer, as defined in Section 1250.2 of Title 36
5 of the Oklahoma Statutes, or an administrator, as defined in Section 1442 of Title 36 of
6 the Oklahoma Statutes, to deny claims which under the terms of the insurance contract
7 are covered services and are medically necessary;

8 12. Violating any provision of the Oklahoma Chiropractic Practice Act; or

9 13. Violating any of the rules of the Board.

10 C. Any chiropractic physician against whom a penalty is imposed by an order of the
11 Board under the provisions of this section shall have the right to seek a judicial review of
12 the order pursuant to Article II of the Administrative Procedures Act.

13 D. The Board is authorized to issue a confidential letter of concern to a chiropractic
14 physician when, though evidence does not warrant initiation of an individual proceeding,
15 the Board has noted indications of possible errant conduct by the chiropractic physician
16 that could lead to serious consequences and formal action by the Board.

17 E. If no order imposing a penalty against a chiropractic physician is issued by the
18 Board within ~~two (2)~~ three (3) years after a complaint against the chiropractic physician
19 is received by the Board, the complaint and all related documents shall be expunged from
20 the records of the Board.

21 SECTION 3. This act shall become effective November 1, 2008.

1 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND
2 FINANCIAL SERVICES, dated 04-14-08 - DO PASS, As Amended.