

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 299

6 By: Jolley of the Senate

7 and

8 Enns of the House

9 COMMITTEE SUBSTITUTE

10 An Act relating to investigations of licensed
11 chiropractors; amending 59 O.S. 2001, Section 161.6,
12 as last amended by Section 1, Chapter 362, O.S.L.
13 2009 (59 O.S. Supp. 2010, Section 161.6), which
14 relates to the Board of Chiropractic Examiners;
15 modifying duties of the Board of Chiropractic
16 Examiners; providing for certain investigation;
17 providing for utilization of certain investigator;
18 providing for review of findings by Advisory
19 Committee; directing the Board of Chiropractic
20 Examiners to promulgate certain rules; limiting
21 certain penalties; and providing an effective date.

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

23 SECTION 1. AMENDATORY 59 O.S. 2001, Section 161.6, as
24 last amended by Section 1, Chapter 362, O.S.L. 2009 (59 O.S. Supp.
2010, Section 161.6), is amended to read as follows:

Section 161.6 A. Pursuant to and in compliance with Article I
of the Administrative Procedures Act, the Board of Chiropractic

1 Examiners shall have the power to formulate, adopt and promulgate
2 rules as may be necessary to regulate the practice of chiropractic
3 in this state and to implement and enforce the provisions of the
4 Oklahoma Chiropractic Practice Act.

5 B. The Board is authorized and empowered to:

6 1. Establish and maintain a procedure or system for the
7 certification or accreditation of chiropractic physicians who are
8 qualified in chiropractic post-doctorate Diplomate and all other
9 chiropractic specialties;

10 2. Establish a registration system and adopt and enforce
11 standards for the education and training of chiropractic physicians
12 who engage in the business of issuing professional opinions on the
13 condition, prognosis or treatment of a patient;

14 3. Adopt and enforce standards governing the professional
15 conduct of chiropractic physicians, consistent with the provisions
16 of the Oklahoma Chiropractic Practice Act, for the purpose of
17 establishing and maintaining a high standard of honesty, dignity,
18 integrity and proficiency in the profession;

19 4. Lease office space for the purpose of operating and
20 maintaining a state office, and pay the rent thereon; provided,
21 however, such state office shall not be located in or directly
22 adjacent to the office of any practicing chiropractic physician;

23 5. Purchase office furniture, equipment and supplies;

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1 6. Employ, direct, reimburse, evaluate, and dismiss such office
2 personnel, as may be necessary, in accordance with state procedures;

3 7. Employ legal counsel, as needed, to represent the Board in
4 all legal matters and to assist authorized state officers in
5 prosecuting or restraining violations of the Oklahoma Chiropractic
6 Practice Act, and pay the fees for such services;

7 8. Order or subpoena the attendance of witnesses, the
8 inspection of records and premises and the production of relevant
9 books and papers for the investigation of matters that may come
10 before the Board;

11 9. Employ or contract with one or more investigators, as
12 needed, for the sole purpose of investigating written complaints
13 regarding the conduct of chiropractic physicians, and fix and pay
14 their salaries or wages. Any investigator shall be certified as a
15 peace officer by the Council on Law Enforcement Education and
16 Training and shall have statewide jurisdiction to perform the duties
17 authorized by this section;

18 10. Pay the costs of such research programs in chiropractic as
19 in the determination of the Board would be beneficial to the
20 chiropractic physicians in this state;

21 11. Establish minimum standards for continuing education
22 programs administered by chiropractic associations pursuant to
23 Section 161.11 of this title;

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1 12. Make such other expenditures as may be necessary in the
2 performance of its duties;

3 13. Establish appropriate fees and charges to implement the
4 provisions of the Oklahoma Chiropractic Practice Act;

5 14. Establish policies for Board operations;

6 15. Determine and direct Board operating administrative,
7 personnel and budget policies and procedures in accordance with
8 applicable statutes;

9 16. Provide travel expenses for at least the Executive Director
10 and provide travel expenses for members of the Board to attend an
11 annual national conference. The Board shall give each member the
12 opportunity to attend the annual national conference;

13 17. Assess chiropractic applicants the cost for a criminal
14 background check. The criminal background checks required by this
15 section shall follow the requirements of Section 1-1950.1 of Title
16 63 of the Oklahoma Statutes;

17 18. Out-of-state licensed chiropractic physicians may travel
18 into Oklahoma to, treat patients for special events, including, but
19 not limited to sporting events and state emergencies within the
20 borders of Oklahoma after properly registering with the Board of
21 Chiropractic Examiners; and

22 19. The Board of Chiropractic Examiners, by rule, shall
23 promulgate a code of ethics.

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1 C. The Board shall promulgate rules regarding continuing
2 education seminars or courses or license renewal seminars or courses
3 including, but not limited to, the qualifications of an applicant,
4 association or entity seeking to sponsor a seminar or course, where
5 the association or entity is domiciled, whether the association or
6 entity is classified as a nonprofit organization, and the
7 educational experience of instructors applying to conduct a seminar
8 or course.

9 D. 1. The Board shall appoint an Advisory Committee of a
10 minimum of four and no more than six chiropractic physicians and one
11 lay member representing the public who may advise and assist the
12 Board in:

- 13 a. investigating the qualifications of applicants for an
14 original license to practice chiropractic in this state,
- 15 b. investigating written complaints regarding the conduct
16 of chiropractic physicians, including alleged violations
17 of the Oklahoma Chiropractic Practice Act or of the
18 rules of the Board, and
- 19 c. such other matters as the Board shall delegate to them.

20 2. The Advisory Committee shall be selected from a list of ten
21 chiropractic physicians and three lay persons submitted by each
22 chiropractic association or society in this state or any
23 unaffiliated chiropractic physician desiring to submit a list. The
24 term of service for members of the Advisory Committee shall be

1 determined by the Board. Members of the Advisory Committee shall be
2 reimbursed for all actual and necessary expenses incurred in the
3 performance of their duties in accordance with the State Travel
4 Reimbursement Act.

5 E. 1. After an initial complaint is received by the Board, the
6 Advisory Committee specified in subsection D of this section shall
7 meet and determine whether the complaint merits further
8 investigation. The focus and scope of an investigation shall
9 pertain only to the subject of the complaint.

10 2. The Advisory Committee may utilize the services of an
11 investigator employed or contracted by the Board pursuant to this
12 section. An investigator shall have the authority to investigate a
13 complaint only upon directive of a simple majority of the Advisory
14 Committee or the chair of the Advisory Committee.

15 3. The findings of the investigator shall be presented to the
16 Advisory Committee. The Advisory Committee shall review and
17 determine whether the findings of the investigator and/or the
18 Advisory Committee shall be presented to the Board for possible
19 further action.

20 F. The Board shall promulgate rules regarding the issuance of
21 field citations and the assessment of administrative penalties no
22 later than July 1, 2012. Administrative penalties for field
23 citations shall not exceed Two Hundred Fifty Dollars (\$250.00) for a
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1 first offense and One Thousand Dollars (\$1,000.00) for a second or
2 subsequent offense.

3 SECTION 2. This act shall become effective November 1, 2011.

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