

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL 110

By: Coates and Fields of the
Senate

6 and

7 Ortega and DeWitt of the
8 House

9
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to chiropractors; amending 59 O.S.
12 2011, Section 161.6, as amended by Section 15 of
13 Enrolled Senate Bill No. 1704 of the 2nd Session of
14 the 53rd Oklahoma Legislature, which relates to the
15 Board of Chiropractic Examiners; authorizing the
16 Board of Chiropractic Examiners to issue a temporary
17 license in certain circumstances; and providing an
18 effective date.

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

20 SECTION 1. AMENDATORY 59 O.S. 2011, Section 161.6, as
21 amended by Section 15 of Enrolled Senate Bill No. 1704 of the 2nd
22 Session of the 53rd Oklahoma Legislature, is amended to read as
23 follows:

24 Section 161.6. A. Pursuant to and in compliance with Article I
of the Administrative Procedures Act, the Board of Chiropractic
Examiners shall have the power to formulate, adopt and promulgate

1 rules as may be necessary to regulate the practice of chiropractic
2 in this state and to implement and enforce the provisions of the
3 Oklahoma Chiropractic Practice Act.

4 B. The Board is authorized and empowered to:

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

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

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

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

22 5. Purchase office furniture, equipment and supplies;

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

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

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

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

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

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

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

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

3 14. Establish policies for Board operations;

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

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

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

15 ~~18. Out of state licensed chiropractic physicians may travel~~
16 ~~into Oklahoma to treat patients for special events including, but~~
17 ~~not limited to, sporting events and state emergencies within the~~
18 ~~borders of Oklahoma after properly registering with the Board of~~
19 ~~Chiropractic Examiners~~ Promulgate rules and establish reasonable
20 fees for a temporary license. A temporary license shall allow
21 chiropractic physicians licensed in another state to:

22 a. assist chiropractic physicians licensed in this state
23 in treating patients in their practice,
24

- 1 b. treat patients at special events, including, but not
- 2 limited to, sporting events, and
- 3 c. treat patients in state emergencies; and

4 19. The Board of Chiropractic Examiners, by rule, shall
5 promulgate a code of ethics.

6 C. The Board shall promulgate rules regarding continuing
7 education seminars or courses or license renewal seminars or courses
8 including, but not limited to, the qualifications of an applicant,
9 association or entity seeking to sponsor a seminar or course, where
10 the association or entity is domiciled, whether the association or
11 entity is classified as a nonprofit organization, and the
12 educational experience of instructors applying to conduct a seminar
13 or course. The Board shall also promulgate rules regarding
14 certified chiropractic assistants.

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

- 19 a. investigating the qualifications of applicants for an
- 20 original license to practice chiropractic in this state,
- 21 b. investigating written complaints regarding the conduct
- 22 of chiropractic physicians, including alleged violations
- 23 of the Oklahoma Chiropractic Practice Act or of the
- 24 rules of the Board, and

1 c. such other matters as the Board shall delegate to them.

2 2. The Advisory Committee shall be selected from a list of ten
3 chiropractic physicians and three lay persons submitted by each
4 chiropractic association or society in this state or any
5 unaffiliated chiropractic physician desiring to submit a list. The
6 term of service for members of the Advisory Committee shall be
7 determined by the Board. Members of the Advisory Committee shall be
8 reimbursed for all actual and necessary expenses incurred in the
9 performance of their duties in accordance with the State Travel
10 Reimbursement Act.

11 E. 1. After an initial complaint is received by the Board, the
12 Advisory Committee specified in subsection D of this section shall
13 meet and determine whether the complaint merits further
14 investigation. The focus and scope of an investigation shall
15 pertain only to the subject of the complaint.

16 2. The Advisory Committee may utilize the services of an
17 investigator employed or contracted by the Board pursuant to this
18 section. An investigator shall have the authority to investigate a
19 complaint only upon directive of a simple majority of the Advisory
20 Committee or the chair of the Advisory Committee.

21 3. The findings of the investigator shall be presented to the
22 Advisory Committee. The Advisory Committee shall review and
23 determine whether the findings of the investigator and/or the
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1 Advisory Committee shall be presented to the Board for possible
2 further action.

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

9 SECTION 2. This act shall become effective November 1, 2012.

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