

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 299

By: Jolley of the Senate

and

(Enns) of the House

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9 COMMITTEE SUBSTITUTE

10 [licensed chiropractors - investigations - effective
11 date]

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

14 SECTION 1. AMENDATORY 59 O.S. 2001, Section 161.6, as
15 last amended by Section 1, Chapter 362, O.S.L. 2009 (59 O.S. Supp.
16 2010, Section 161.6), is amended to read as follows:

17 Section 161.6 A. Pursuant to and in compliance with Article I
18 of the Administrative Procedures Act, the Board of Chiropractic
19 Examiners shall have the power to formulate, adopt and promulgate
20 rules as may be necessary to regulate the practice of chiropractic
21 in this state and to implement and enforce the provisions of the
22 Oklahoma Chiropractic Practice Act.

23 B. The Board is authorized and empowered to:
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1 1. Establish and maintain a procedure or system for the
2 certification or accreditation of chiropractic physicians who are
3 qualified in chiropractic post-doctorate Diplomate and all other
4 chiropractic specialties;

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

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

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

18 5. Purchase office furniture, equipment and supplies;

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

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

1 8. Order or subpoena the attendance of witnesses, the
2 inspection of records and premises and the production of relevant
3 books and papers for the investigation of matters that may come
4 before the Board;

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

12 10. Pay the costs of such research programs in chiropractic as
13 in the determination of the Board would be beneficial to the
14 chiropractic physicians in this state;

15 11. Establish minimum standards for continuing education
16 programs administered by chiropractic associations pursuant to
17 Section 161.11 of this title;

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

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

22 14. Establish policies for Board operations;

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1 15. Determine and direct Board operating administrative,
2 personnel and budget policies and procedures in accordance with
3 applicable statutes;

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

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

12 18. Out-of-state licensed chiropractic physicians may travel
13 into Oklahoma to, treat patients for special events, including, bt
14 not limited to sporting events and state emergencies within the
15 borders of Oklahoma after properly registering with the Board of
16 Chiropractic Examiners; and

17 19. The Board of Chiropractic Examiners, by rule, shall
18 promulgate a code of ethics.

19 C. The Board shall promulgate rules regarding continuing
20 education seminars or courses or license renewal seminars or courses
21 including, but not limited to, the qualifications of an applicant,
22 association or entity seeking to sponsor a seminar or course, where
23 the association or entity is domiciled, whether the association or
24 entity is classified as a nonprofit organization, and the

1 educational experience of instructors applying to conduct a seminar
2 or course.

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

7 a. investigating the qualifications of applicants for an
8 original license to practice chiropractic in this state,

9 b. investigating written complaints regarding the conduct
10 of chiropractic physicians, including alleged violations
11 of the Oklahoma Chiropractic Practice Act or of the
12 rules of the Board, and

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

14 2. The Advisory Committee shall be selected from a list of ten
15 chiropractic physicians and three lay persons submitted by each
16 chiropractic association or society in this state or any
17 unaffiliated chiropractic physician desiring to submit a list. The
18 term of service for members of the Advisory Committee shall be
19 determined by the Board. Members of the Advisory Committee shall be
20 reimbursed for all actual and necessary expenses incurred in the
21 performance of their duties in accordance with the State Travel
22 Reimbursement Act.

23 E. 1. After an initial complaint is received by the Board, the
24 Advisory Committee specified in subsection D of this section shall

1 meet and determine whether the complaint merits further
2 investigation. The focus and scope of an investigation shall
3 pertain only to the subject of the complaint.

4 2. The Advisory Committee may utilize the services of an
5 investigator employed or contracted by the Board pursuant to this
6 section. An investigator shall have the authority to investigate a
7 complaint only upon directive of a simple majority of the Advisory
8 Committee or the chair of the Advisory Committee.

9 3. The findings of the investigator shall be presented to the
10 Advisory Committee. The Advisory Committee shall review and
11 determine whether the findings of the investigator and/or the
12 Advisory Committee shall be presented to the Board for possible
13 further action.

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

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

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