

1 **SENATE FLOOR VERSION**

2 March 27, 2012

3 ENGROSSED HOUSE  
4 BILL NO. 2308

By: Faught of the House

5 and

6 Coates of the Senate

7  
8 An Act relating to professions and occupations;  
9 amending 59 O.S. 2011, Section 161.6 (Section 2,  
10 Chapter 230, O.S.L. 2011), which relates to the  
11 Oklahoma Chiropractic Practice Act; modifying powers  
12 and duties of the Board; providing for temporary  
13 license; and providing an effective date.

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

15 SECTION 1. AMENDATORY 59 O.S. 2011, Section 161.6

16 (Section 2, Chapter 230, O.S.L. 2011), is amended to read as

17 follows:

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

24 B. The Board is authorized and empowered to:

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 one or more investigators, as needed, for the sole  
6 purpose of investigating written complaints regarding the conduct of  
7 chiropractic physicians, and fix and pay their salaries or wages;

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

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

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

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

18           14. Establish policies for Board operations;

19           15. Determine and direct Board operating administrative,  
20 personnel and budget policies and procedures in accordance with  
21 applicable statutes;

22           16. Provide travel expenses for at least the Executive Director  
23 and provide travel expenses for members of the Board to attend an  
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1 annual national conference. The Board shall give each member the  
2 opportunity to attend the annual national conference;

3 17. Assess chiropractic applicants the cost for a criminal  
4 background check. The criminal background checks required by this  
5 section shall follow the requirements of Section 1-1950.1 of Title  
6 63 of the Oklahoma Statutes;

7 ~~18. Out-of-state licensed chiropractic physicians may travel~~  
8 ~~into Oklahoma to treat patients for special events, including but~~  
9 ~~not limited to sporting events and state emergencies within the~~  
10 ~~boundaries of Oklahoma after properly registering with the Board of~~  
11 ~~Chiropractic Examiners~~ Promulgate rules and set fees for a temporary  
12 license. A temporary license shall allow out-of-state licensed  
13 chiropractic physicians to:

- 14 a. assist licensed Oklahoma chiropractic physicians with  
15 their practice, and  
16 b. treat patients at special events, including sporting  
17 events, and state emergencies as declared by the  
18 Governor; and

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

21 C. The Board shall promulgate rules regarding continuing  
22 education seminars or courses or license renewal seminars or courses  
23 including, but not limited to, the qualifications of an applicant,  
24 association or entity seeking to sponsor a seminar or course, where

1 the association or entity is domiciled, whether the association or  
2 entity is classified as a nonprofit organization, and the  
3 educational experience of instructors applying to conduct a seminar  
4 or course. The Board shall also promulgate rules regarding  
5 certified chiropractic assistants.

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

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

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

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

4 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN SERVICES, dated  
5 3-26-12 - DO PASS, As Coauthored.

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