

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1658

By: Enns

4  
5 AS INTRODUCED

6 An Act relating to professions and occupations;  
7 amending 59 O.S. 2001, Sections 161.3, as last  
8 amended by Section 1, Chapter 363, O.S.L. 2007 and  
9 161.6, as last amended by Section 1, Chapter 362,  
10 O.S.L. 2009 (59 O.S. Supp. 2010, Sections 161.3 and  
11 161.6), which relate to the Oklahoma Chiropractic  
12 Practice Act; defining term; authorizing Board to  
13 promulgate rules for certain persons; and providing  
14 an effective date.

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

16 SECTION 1. AMENDATORY 59 O.S. 2001, Section 161.3, as  
17 last amended by Section 1, Chapter 363, O.S.L. 2007 (59 O.S. Supp.  
18 2010, Section 161.3), is amended to read as follows:

19 Section 161.3 As used in the Oklahoma Chiropractic Practice  
20 Act, these words, phrases or terms, unless the context otherwise  
21 indicates, shall have the following meanings:

22 1. "Accredited chiropractic college" means a chiropractic  
23 educational institution which is accredited by the Commission on  
24 Accreditation of the Council on Chiropractic Education, a national,

1 independent accreditation body recognized and approved by the U.S.  
2 Department of Education, or its successor;

3 2. "Animal chiropractic diagnosis and treatment" means  
4 treatment that includes vertebral subluxation complex (vsc) and  
5 spinal manipulation of nonhuman vertebrates. The term "animal  
6 chiropractic diagnosis and treatment" shall not be construed to  
7 allow the:

- 8 a. use of x-rays,
- 9 b. performing of surgery,
- 10 c. dispensing or administering of medications, or
- 11 d. performance of traditional veterinary care;

12 3. "Applicant" means any person submitting an application for  
13 licensure to the Board;

14 4. "Board" means the Board of Chiropractic Examiners;

15 5. "Certified chiropractic assistant" means an unlicensed  
16 member of a chiropractic physician's team of healthcare workers who  
17 may assist a chiropractic physician in the performance of  
18 examination and therapeutic procedures and techniques necessary to  
19 deliver healthcare services to patients;

20 6. "Chiropractic physician", "chiropractor", "doctor of  
21 chiropractic", "practitioner of chiropractic" and "licensee" are  
22 synonymous and mean a person holding an original license to practice  
23 chiropractic in this state;

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1       ~~6.~~ 7. "Examination" means the process used by the Board, prior  
2 to the issuance of an original license, to test the qualifications  
3 and knowledge of an applicant on any or all of the following:  
4 current statutes, rules or any of those subjects listed in Section  
5 161.8 of this title;

6       ~~7.~~ 8. "Intern" means a student at an accredited chiropractic  
7 college who is participating in the Chiropractic Undergraduate  
8 Preceptorship Program;

9       ~~8. "Non-Clinical"~~ 9. "Nonclinical" means of a business nature  
10 including, but not limited to, practice management, insurance  
11 information, and computer information. It shall also mean the  
12 discussion of philosophy as it relates to the performance of  
13 chiropractic-;

14       ~~9.~~ 10. "Original license" means a license granting initial  
15 authorization to practice chiropractic in this state issued by the  
16 Board to an applicant found by the Board to meet the licensing  
17 requirements of the Oklahoma Chiropractic Practice Act, by  
18 examination pursuant to Section 161.7 of this title, or by  
19 reciprocity pursuant to Section 161.9 of this title;

20       ~~10.~~ 11. "Preceptor" means a chiropractic physician who is  
21 participating in the Chiropractic Undergraduate Preceptorship  
22 Program;

23       ~~11.~~ 12. "Relocation of practice" means the recognition and  
24 approval by the Board, prior to the issuance of an original license,

1 of the chiropractic licensing process in another state, country,  
2 territory or province; and

3 ~~12.~~ 13. "Renewal license" means a license issued to a  
4 chiropractic physician by the Board, on or before the first day of  
5 January of each year, which authorizes such licensee to practice  
6 chiropractic in this state during the succeeding calendar year.

7 SECTION 2. AMENDATORY 59 O.S. 2001, Section 161.6, as  
8 last amended by Section 1, Chapter 362, O.S.L. 2009 (59 O.S. Supp.  
9 2010, Section 161.6), is amended to read as follows:

10 Section 161.6 A. Pursuant to and in compliance with Article I  
11 of the Administrative Procedures Act, the Board of Chiropractic  
12 Examiners shall have the power to formulate, adopt and promulgate  
13 rules as may be necessary to regulate the practice of chiropractic  
14 in this state and to implement and enforce the provisions of the  
15 Oklahoma Chiropractic Practice Act.

16 B. The Board is authorized and empowered to:

17 1. Establish and maintain a procedure or system for the  
18 certification or accreditation of chiropractic physicians who are  
19 qualified in chiropractic post-doctorate Diplomate and all other  
20 chiropractic specialties;

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

1           3. Adopt and enforce standards governing the professional  
2 conduct of chiropractic physicians, consistent with the provisions  
3 of the Oklahoma Chiropractic Practice Act, for the purpose of  
4 establishing and maintaining a high standard of honesty, dignity,  
5 integrity and proficiency in the profession;

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

10          5. Purchase office furniture, equipment and supplies;

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

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

17          8. Order or subpoena the attendance of witnesses, the  
18 inspection of records and premises and the production of relevant  
19 books and papers for the investigation of matters that may come  
20 before the Board;

21          9. Employ one or more investigators, as needed, for the sole  
22 purpose of investigating written complaints regarding the conduct of  
23 chiropractic physicians, and fix and pay their salaries or wages;

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

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

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

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

11        14. Establish policies for Board operations;

12        15. Determine and direct Board operating administrative,  
13 personnel and budget policies and procedures in accordance with  
14 applicable statutes;

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

19        17. Assess chiropractic applicants the cost for a criminal  
20 background check. The criminal background checks required by this  
21 section shall follow the requirements of Section 1-1950.1 of Title  
22 63 of the Oklahoma Statutes;

23        18. Out-of-state licensed chiropractic physicians may travel  
24 into Oklahoma to treat patients for special events, including but

1 not limited to sporting events and state emergencies within the  
2 borders of Oklahoma after properly registering with the Board of  
3 Chiropractic Examiners; 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 SECTION 3. This act shall become effective November 1, 2011.

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