

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1578

By: Coates

4  
5 AS INTRODUCED

6 An Act relating to chiropractors; amending 59 O.S.  
7 2011, Section 161.6, which relates to the Board of  
8 Chiropractic Examiners; authorizing the Board of  
9 Chiropractic Examiners to issue a temporary license  
in certain circumstances; and providing an effective  
date.

10  
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 59 O.S. 2011, Section 161.6, is  
13 amended to read as follows:

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

20 B. The Board is authorized and empowered to:

21 1. Establish and maintain a procedure or system for the  
22 certification or accreditation of chiropractic physicians who are  
23 qualified in chiropractic post-doctorate Diplomate and all other  
24 chiropractic specialties;

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

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

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

14          5. Purchase office furniture, equipment and supplies;

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

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

21          8. Order or subpoena the attendance of witnesses, the  
22 inspection of records and premises and the production of relevant  
23 books and papers for the investigation of matters that may come  
24 before the Board;

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

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  
24

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 chiropractic physicians  
13 licensed in another state to:

- 14 a. assist chiropractic physicians licensed in this state  
15 in treating patients in their practice,  
16 b. treat patients at special events, including, but not  
17 limited to, sporting events, and  
18 c. treat patients in state emergencies; 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.

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

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

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

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

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

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

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

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