

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1637

By: Floyd

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5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2011, Sections 161.7, 161.9 and
9 161.11, which relate to the Board of Chiropractic
10 Examiners; modifying certain fees; and providing an
11 effective date.

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

14 SECTION 1. AMENDATORY 59 O.S. 2011, Section 161.7, is
15 amended to read as follows:

16 Section 161.7 A. 1. Applications for an original license by
17 examination to practice chiropractic in this state shall be made to
18 the Board of Chiropractic Examiners in writing on a form and in a
19 manner prescribed by the Board. The application shall be supported
20 by the affidavits of two persons who hold a valid license to
21 practice chiropractic in this state or in another state, country,
22 territory or province, and who are not related to or under financial
23 obligations to the applicant, showing the applicant to be a person
24 of good moral character.

1 2. The application shall be accompanied by a fee ~~of One Hundred~~
2 ~~Seventy-five Dollars (\$175.00)~~ to be determined by the Board, not to
3 exceed Two Hundred Twenty-five Dollars (\$225.00), which shall not be
4 refundable under any circumstances.

5 3. If the application is disapproved by the Board, the
6 applicant shall be so notified by the secretary-treasurer of the
7 Board, with the reason for such disapproval fully stated in writing.

8 4. If the application is approved, the applicant, upon payment
9 of an examination fee ~~of One Hundred Seventy-five Dollars (\$175.00)~~,
10 may take an examination administered by the Board for the purpose of
11 securing an original license. The Board may accept a passing score
12 on an examination administered by the National Board of Chiropractic
13 Examiners taken by the applicant, or may require the applicant to
14 take an examination administered by the Board or both.

15 B. Applicants for an original license to practice chiropractic
16 in this state shall submit to the Board of Chiropractic Examiners
17 documentary evidence of completion of:

18 1. A course of standard high school education;

19 2. Ninety (90) semester hours of college credits in a college
20 or university whose credits are accepted by the University of
21 Oklahoma. For students enrolled in an accredited Doctor of
22 Chiropractic Degree Program on ~~the effective date of this act~~ May 6,
23 2004, proof of having earned a minimum of sixty (60) semester hours
24 of college credits at an institution for which credits are accepted

1 by the University of Oklahoma shall meet the requirements of this
2 paragraph;

3 3. A course of resident study of not less than four (4) years
4 of nine (9) months each in an accredited chiropractic college. A
5 senior student at an accredited chiropractic college may make
6 application for an original license by examination prior to
7 graduation, but such a license shall not be issued until documentary
8 evidence of the graduation of the student from the college has been
9 submitted to the Board;

10 4. Parts I, II, III, IV and physiotherapy as administered by
11 the National Board of Chiropractic Examiners with a passing score;
12 and

13 5. Passing an examination with seventy-five percent (75%) or
14 better.

15 C. Effective January 1, 2006, out-of-state licensed applicants
16 shall submit to the Board documentary evidence that the applicant
17 has malpractice insurance. New applicants shall submit to the Board
18 documentary evidence that the applicant has malpractice insurance
19 within six (6) months of obtaining their Oklahoma license.

20 D. An applicant for an original license shall provide full
21 disclosure to the Board of any disciplinary action taken against the
22 applicant in any state pursuant to licensure and/or criminal
23 proceedings including, but not limited to, pleading guilty or nolo
24 contendere to, or being convicted of, a felony, a misdemeanor

1 involving moral turpitude, or a violation of federal or state
2 controlled dangerous substance laws.

3 E. No later than one (1) year after receiving a license to
4 practice in Oklahoma, chiropractic physicians shall complete an
5 orientation course of training approved by the Board. The
6 orientation course hours shall count as continuing education credits
7 for the year in which they were earned. An association may provide
8 the orientation course of training.

9 F. The Board shall issue an original license to those
10 applicants who have passed the required examination with a score
11 acceptable to the Board. No license fee shall be charged by the
12 Board for the balance of the calendar year in which such a license
13 is issued.

14 SECTION 2. AMENDATORY 59 O.S. 2011, Section 161.9, is
15 amended to read as follows:

16 Section 161.9 A. Applications for an original license by
17 relocation of practice to practice chiropractic in this state shall
18 be made to the Board of Chiropractic Examiners in writing on a form
19 and in a manner prescribed by the Board. The application shall be
20 accompanied by a fee ~~of Three Hundred Fifty Dollars (\$350.00)~~ to be
21 determined by the Board, not to exceed Four Hundred Fifty Dollars
22 (\$450.00), which shall not be refundable under any circumstances.
23 If the application is disapproved by the Board, it shall be returned
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1 to the applicant with the reason for its disapproval fully stated in
2 writing.

3 B. The Board may, in its discretion, issue an original license
4 by relocation to practice to an applicant who is currently licensed
5 to practice chiropractic in another state, country, territory or
6 province, upon the following conditions:

7 1. That the applicant is of good moral character;

8 2. That the requirements for licensure in the state, country,
9 territory or province in which the applicant is licensed are deemed
10 by the Board to be equivalent to the requirements for obtaining an
11 original license by examination in force in this state at the date
12 of such license;

13 3. That the applicant has no disciplinary matters pending
14 against him or her in any state, country, territory or province;

15 4. That the license of the applicant was obtained by
16 examination in the state, country, territory or province wherein it
17 was issued, or was obtained by examination of the National Board of
18 Chiropractic Examiners;

19 5. That the applicant passes the examination given by the Board
20 with a minimum score of seventy-five percent (75%) or better; and

21 6. That the applicant meets all other requirements of the
22 Oklahoma Chiropractic Practice Act.

23 C. Any applicant requesting a license by relocation of practice
24 into Oklahoma shall:

1 1. Submit to the Board documentary evidence that the applicant
2 has been in active practice as a chiropractic physician five (5)
3 years immediately preceding the date of the application;

4 2. Provide full disclosure to the Board of any disciplinary
5 action taken against the applicant pursuant to licensure as a
6 chiropractic physician in any state pursuant to licensure and/or
7 criminal proceedings;

8 3. Provide full disclosure to the Board of any criminal
9 proceeding taken against the applicant including, but not limited
10 to:

11 a. pleading guilty, pleading nolo contendere or receiving
12 a conviction of a felony,

13 b. pleading guilty, pleading nolo contendere or receiving
14 a conviction for a misdemeanor involving moral
15 turpitude, or

16 c. pleading guilty, pleading nolo contendere or receiving
17 a conviction for violation of federal or state
18 controlled dangerous substance laws;

19 4. Comply with the jurisprudence assessment of this state;

20 5. If requested, appear before the Board for a personal
21 interview; and

22 6. Pay an application fee to be set by rule of the Board.

23 D. No license fee shall be charged by the Board for the balance
24 of the calendar year in which such a license is issued.

1 SECTION 3. AMENDATORY 59 O.S. 2011, Section 161.11, is
2 amended to read as follows:

3 Section 161.11 A. 1. Beginning January 1, 2005:

4 a. a person holding an original license and who is
5 actively engaged in the practice of chiropractic in
6 this state shall pay to the Board of Chiropractic
7 Examiners, on or before July 1 of each year, a renewal
8 license fee ~~of Two Hundred Twenty-five Dollars~~
9 ~~(\$225.00)~~ to be determined by the Board, not to exceed
10 Three Hundred Dollars (\$300.00),

11 b. an inactive nonresident holding an original license to
12 practice chiropractic in Oklahoma and who has filed a
13 statement with the Board that the licensee is not
14 actively engaged in the practice of chiropractic in
15 this state and shall not engage in the practice of
16 chiropractic in this state during the succeeding year,
17 shall pay to the Board, on or before July 1 of each
18 year, a renewal license fee ~~of One Hundred Seventy-~~
19 ~~five Dollars (\$175.00)~~ to be determined by the Board,
20 not to exceed Two Hundred Twenty-five Dollars
21 (\$225.00),

22 c. an inactive resident holding an original license to
23 practice chiropractic in Oklahoma, and who has filed,
24 or on whose behalf has been filed, a statement with

1 the Board that because of illness, infirmity, active
2 military service or other circumstances as approved by
3 the Board, the licensee is unable to actively engage
4 in the practice of chiropractic during the succeeding
5 year, shall pay to the Board a renewal license fee of
6 ~~One Hundred Dollars (\$100.00)~~ to be determined by the
7 Board, not to exceed One Hundred Twenty-five Dollars
8 (\$125.00), and

9 d. a person holding an original license, but who is
10 sixty-five (65) years of age or older and who has
11 filed a statement with the Board that the licensee is
12 not actively engaged in the practice of chiropractic
13 in this state and shall not engage in the practice of
14 chiropractic in this state during the succeeding year,
15 shall pay to the Board a renewal licensee fee of ~~Fifty~~
16 ~~Dollars (\$50.00)~~ to be determined by the Board, not to
17 exceed Seventy-five Dollars (\$75.00).

18 2. In addition, each licensee shall present to the Board
19 satisfactory evidence that during the preceding twelve (12) months
20 the licensee attended sixteen (16) hours of continuing education
21 that meets the requirements of Section 161.10a of this title,
22 provided that inactive resident licensees may, at the discretion of
23 the Board, be exempt from this requirement.

1 3. Beginning January 1, 2006, every chiropractic physician who
2 is actively engaged in the practice of chiropractic in this state
3 shall submit to the Board documentary evidence that the chiropractor
4 has malpractice insurance and maintains such insurance twelve (12)
5 months of each year when practicing in this state. Any licensee who
6 is not actively engaged in practice in this state, shall be exempt
7 from providing proof of malpractice insurance.

8 B. Subject to the laws of this state and rules promulgated
9 pursuant to the Oklahoma Chiropractic Practice Act, the Board shall,
10 upon determination that a licensee has complied with the
11 requirements of subsection A of this section, issue a renewal
12 license to ~~said~~ the licensee.

13 C. The failure of a licensee to properly renew a license or
14 certificate shall be evidence of noncompliance with the Oklahoma
15 Chiropractic Practice Act.

16 1. The license shall automatically be placed in a lapsed status
17 for failure to renew and shall be considered lapsed and not in good
18 standing for purposes of the practice of chiropractic.

19 2. If within sixty (60) calendar days after July 1 the licensee
20 pays the renewal fee, and the reinstatement fee set by the Board,
21 the license may be reactivated.

22 3. If sixty (60) calendar days elapse and the license is not
23 reinstated, the license shall automatically be suspended for failure
24 to renew.

1 4. The practice of chiropractic is prohibited unless the
2 license is active and in good standing with the Board.

3 D. When an original license or renewal license, or both, have
4 been suspended under the provisions of this section, the license or
5 licenses may be reinstated upon:

6 1. Payment of a reinstatement fee in an amount fixed by the
7 Board not to exceed ~~Four Hundred Dollars (\$400.00)~~ Five Hundred
8 Dollars (\$500.00);

9 2. Payment of the renewal license fee for the calendar year in
10 which the original license is reinstated; and

11 3. Presentation to the Board of satisfactory evidence of
12 compliance with the continuing education requirement of this section
13 for the calendar year in which the original license is reinstated.

14 E. The Board, by rule, may establish guidelines for the
15 disposition of disciplinary cases involving specific types of
16 violations. The guidelines may include, but are not limited to:

17 1. Minimum and maximum administrative fines;

18 2. Periods of suspension, probation or supervision;

19 3. Terms and conditions of probation; and

20 4. Terms and conditions for the reinstatement of an original
21 license or renewal license, or both.

22 SECTION 4. This act shall become effective November 1, 2013.

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24 54-1-5517 LRB 12/17/12