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SENATE BILL NO. 1383

An Act relating to the Oklahoma Chiropractic Act; amending 59 O.S. 2011, Section 161.3, which relates to definitions; modifying definitions; amending 59 O.S. 2011, Section 161.6, as last amended by Section 1, Chapter 54, O.S.L. 2017 (59 O.S. Supp. 2017, Section 161.6), which relates to powers of Board; providing that certain actions by licensee shall not bar Board from taking certain punitive actions; amending 59 O.S. 2011, Section 161.7, as amended by Section 2, Chapter 155, O.S.L. 2015 (59 O.S. Supp. 2017, Section 161.7), which relates to application for original license by examination; modifying requirements for licensure; amending 59 O.S. 2011, Section 161.9, which relates to application for original license by relocation of practice; clarifying certain requirement; modifying certain requirements; providing that the Board may deny license under certain conditions; amending 59 O.S. 2011, Section 161.10a, which relates to continuing education; clarifying who shall provide continuing education; extending certain deadline; providing that the Board may require additional continuing education in exchange for waiving of continuing education in a given year; amending 59 O.S. 2011, Section 161.11, which relates to annual renewal license; deleting obsolete language; modifying procedure for license renewal; providing that failure to comply with state tax laws shall result in denial of license renewal; setting certain reinstatement fee; and providing an effective date.

SENATE FLOOR VERSION - SB1383 SFLR
(Bold face denotes Committee Amendments)

SECTION 1. AMENDATORY 59 O.S. 2011, Section 161.3, is amended to read as follows:

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

1. "Accredited chiropractic college" means a chiropractic educational institution which is accredited by ~~the Commission on Accreditation of the Council on Chiropractic Education, a national, independent accreditation body recognized and approved an~~ accrediting agency recognized by the U.S. Department of Education, ~~or its successor;~~

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

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

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

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

1 5. "Certified chiropractic assistant" means an unlicensed
2 member of a chiropractic physician's team of healthcare workers who
3 may assist a chiropractic physician in the performance of
4 examination and therapeutic procedures and techniques necessary to
5 deliver healthcare services to patients within the scope of
6 chiropractic and has been certified by the Board;

7 6. "Chiropractic physician", "chiropractor", "doctor of
8 chiropractic", "practitioner of chiropractic" and "licensee" are
9 synonymous and mean a person holding an original license to practice
10 chiropractic in this state;

11 7. "Examination" means the process used by the Board, prior to
12 the issuance of an original license, to test the qualifications and
13 knowledge of an applicant on any or all of the following: current
14 statutes, rules or any of those subjects listed in Section 161.8 of
15 this title;

16 8. "Intern" means a student at an accredited chiropractic
17 college who is participating in the Chiropractic Undergraduate
18 Preceptorship Program;

19 9. "Nonclinical" means of a business nature including, but not
20 limited to, practice management, insurance information, and computer
21 information. It shall also mean the discussion of philosophy as it
22 relates to the performance of chiropractic;

23 10. "Original license" means a license granting initial
24 authorization to practice chiropractic in this state issued by the

1 Board to an applicant found by the Board to meet the licensing
2 requirements of the Oklahoma Chiropractic Practice Act, by
3 examination pursuant to Section 161.7 of this title, or by
4 reciprocity pursuant to Section 161.9 of this title;

5 11. "Preceptor" means a chiropractic physician who is
6 participating in the Chiropractic Undergraduate Preceptorship
7 Program;

8 12. "Relocation of practice" means the recognition and approval
9 by the Board, prior to the issuance of an original license, of the
10 chiropractic licensing process in another state, country, territory
11 or province; and

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

16 SECTION 2. AMENDATORY 59 O.S. 2011, Section 161.6, as
17 last amended by Section 1, Chapter 54, O.S.L. 2017 (59 O.S. Supp.
18 2017, Section 161.6), is amended to read as follows:

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

1 B. The Board is authorized and empowered to:

2 1. Establish and maintain a procedure or system for the
3 certification or accreditation of chiropractic physicians who are
4 qualified in chiropractic post-doctorate Diplomate and all other
5 chiropractic specialties;

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

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

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

19 5. Purchase office furniture, equipment and supplies;

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

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

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

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

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

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

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

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

24 14. Establish policies for Board operations;

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. Require applicants for an original license to submit to a
9 national criminal history record check pursuant to Section 150.9 of
10 Title 74 of the Oklahoma Statutes. The costs associated with the
11 national criminal history record check shall be paid directly by the
12 applicant;

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

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

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

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

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
11 state,

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

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

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

1 performance of their duties in accordance with the State Travel
2 Reimbursement Act.

3 E. 1. After an initial complaint is received by the Board, the
4 Executive Director and the Chair of the Advisory Committee, or
5 designee, shall determine whether the complaint merits further
6 investigation. If a determination is made that the complaint merits
7 further investigation, the Executive Director, in consultation with
8 the Chair of the Advisory Committee, or designee, shall assign the
9 complaint to an investigator. The focus and scope of an
10 investigation shall pertain only to the subject of the complaint.

11 2. The complaint and findings of the investigator shall be
12 presented to the Advisory Committee for review. The Advisory
13 Committee, in consultation with the Board's prosecuting attorney,
14 shall make an informal recommendation for disposition of the
15 complaint to the Board.

16 F. 1. The Board, its employees, appointed committee members,
17 independent contractors or other agents of the Board shall keep
18 confidential the complaint and information obtained during an
19 investigation into violations of the Oklahoma Chiropractic Practice
20 Act; provided, however, such information may be introduced by the
21 state in administrative proceedings before the Board and the
22 information then becomes a public record.

23 2. The complaint and information obtained during the
24 investigation but not introduced in administrative proceedings shall

1 not be subject to subpoena or discovery in any civil or criminal
2 proceedings, except that the Board may give such information to law
3 enforcement and other state agencies as necessary and appropriate in
4 the discharge of the duties of that agency and only under
5 circumstances that ensure against unauthorized access to the
6 information.

7 3. The respondent may acquire information obtained during an
8 investigation, unless the disclosure of the information is otherwise
9 prohibited, except for the investigative report, if the respondent
10 signs a protective order whereby the respondent agrees to use the
11 information solely for the purpose of defense in the Board
12 proceeding and in any appeal therefrom and agrees not to otherwise
13 disclose the information.

14 G. 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 H. The forfeiture, nonrenewal, surrender or voluntary
21 relinquishment of a license by a licensee shall not bar jurisdiction
22 by the Board to proceed with any investigation, action or proceeding
23 to revoke, suspend, condition or limit the licensee's license or
24 fine the licensee.

1 SECTION 3. AMENDATORY 59 O.S. 2011, Section 161.7, as
2 amended by Section 2, Chapter 155, O.S.L. 2015 (59 O.S. Supp. 2017,
3 Section 161.7), is amended to read as follows:

4 Section 161.7. A. 1. Applications for an original license by
5 examination to practice chiropractic in this state shall be made to
6 the Board of Chiropractic Examiners in writing on a form and in a
7 manner prescribed by the Board. The application shall be supported
8 by the affidavits of two persons who hold a valid license to
9 practice chiropractic in this state or in another state, country,
10 territory or province, and who are not related to or under financial
11 obligations to the applicant, showing the applicant to be a person
12 of good moral character.

13 2. The application shall be accompanied by a fee of One Hundred
14 Seventy-five Dollars (\$175.00), which shall not be refundable under
15 any circumstances.

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

19 4. If the application is approved, the applicant, upon payment
20 of an examination fee of One Hundred Seventy-five Dollars (\$175.00),
21 may take an examination administered by the Board for the purpose of
22 securing an original license. The Board may accept a passing score
23 on an examination administered by the National Board of Chiropractic
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1 Examiners taken by the applicant, or may require the applicant to
2 take an examination administered by the Board or both.

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

6 1. ~~A course of standard high school education;~~

7 2. ~~Ninety (90) semester hours of college credits in a college
8 or university whose credits are accepted by the University of
9 Oklahoma. For students enrolled in an accredited Doctor of
10 Chiropractic Degree Program on the effective date of this act, proof
11 of having earned a minimum of sixty (60) semester hours of college
12 credits at an institution for which credits are accepted by the
13 University of Oklahoma shall meet the requirements of this
14 paragraph;~~

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

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1 2. Parts I, II, III, IV and physiotherapy as administered by
2 the National Board of Chiropractic Examiners with a passing score;
3 and

4 ~~5.~~

5 3. Passing ~~an~~ a jurisprudence examination approved by the Board
6 with a score of seventy-five percent (75%) or better.

7 C. Each applicant shall be a graduate of ~~a~~ an accredited
8 chiropractic ~~school, college or program accredited by an accrediting~~
9 ~~agency either recognized by the U.S. Secretary of Education or a~~
10 ~~Board-approved chiropractic school, college or program.~~ For those
11 graduating from a chiropractic program outside the United States,
12 the applicants must have completed an educational program leading to
13 a degree in chiropractic from an institution authorized to operate
14 by the government having jurisdiction in which it is domiciled.

15 D. All credentials, diplomas, and other required documentation
16 in a foreign language submitted to the Board by such applicants
17 shall be accompanied by notarized English translations.

18 E. International applicants shall provide satisfactory evidence
19 of meeting the requirements for permanent residence or temporary
20 nonimmigrant status as set forth by the United States Citizenship
21 and Immigration Services.

22 F. Effective January 1, 2006, out-of-state licensed applicants
23 shall submit to the Board documentary evidence that the applicant
24 has malpractice insurance. New applicants shall submit to the Board

documentary evidence that the applicant has malpractice insurance within six (6) months of obtaining their Oklahoma license.

G. An applicant for an original license shall: ~~provide full disclosure to the Board of any disciplinary action taken against the applicant in any state pursuant to licensure and/or criminal proceedings including, but not limited to, pleading guilty or nolo contendere to, or being convicted of, a felony, a misdemeanor involving moral turpitude, or a violation of federal or state controlled dangerous substance laws.~~

1. Be a person of good moral character;

2. Inform the Board as to whether the person has previously been licensed in Oklahoma and whether the license was revoked or surrendered;

3. Inform the Board as to whether the applicant has ever been licensed in another jurisdiction and whether any disciplinary action was taken against the applicant;

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

a. pleading guilty, pleading nolo contendere, receiving a deferred sentence or being convicted of a felony,

b. pleading guilty, pleading nolo contendere, receiving a deferred sentence or being convicted of a misdemeanor involving moral turpitude, or

1 c. pleading guilty, pleading nolo contendere, receiving a
2 deferred sentence or being convicted of a violation of
3 federal or state controlled dangerous substance laws;
4 and

5 5. If requested, appear before the Board for a personal
6 interview.

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

13 I. The Board ~~shall~~ may issue an original license to those
14 applicants who have passed the required examination with a score
15 acceptable to the Board and who meet all other requirements set
16 forth by the Board. No license fee shall be charged by the Board
17 for the balance of the calendar year in which such a license is
18 issued.

19 J. In addition to an applicant's failure to meet any other
20 requirements imposed by this section or other applicable law, the
21 Board may deny a license or impose probationary conditions if an
22 applicant has:

23 1. Plead guilty, pleaded nolo contendere, received a deferred
24 sentence or been convicted of a felony;

1 2. Pled guilty, pleaded nolo contendere, received a deferred
2 sentence or been convicted of a misdemeanor involving moral
3 turpitude;

4 3. Pled guilty, pleaded nolo contendere, received a deferred
5 sentence or been convicted of a violation of federal or state
6 controlled dangerous substance laws;

7 4. Been the subject of disciplinary action by the Board; or

8 5. Been the subject of disciplinary action in another
9 jurisdiction.

10 SECTION 4. AMENDATORY 59 O.S. 2011, Section 161.9, is
11 amended to read as follows:

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

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

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

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

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

8 4. That the license of the applicant was obtained by
9 examination in the state, country, territory or province wherein it
10 was issued, or was obtained by examination of the National Board of
11 Chiropractic Examiners;

12 5. That the applicant passes ~~the~~ a jurisprudence examination
13 given by the Board with a minimum score of seventy-five percent
14 (75%) or better; and

15 6. That the applicant meets all other requirements of the
16 Oklahoma Chiropractic Practice Act.

17 C. Any applicant requesting a license by relocation of practice
18 into Oklahoma shall:

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

22 2. Provide full disclosure to the Board of any disciplinary
23 action taken against the applicant pursuant to licensure as a
24

1 chiropractic physician in any state pursuant to licensure and/or
2 criminal proceedings;

3 3. Provide full disclosure to the Board of any criminal
4 proceeding taken against the applicant in any jurisdiction
5 including, but not limited to:

6 a. pleading guilty, pleading nolo contendere ~~or,~~
7 receiving a ~~conviction~~ deferred sentence or being
8 convicted of a felony,

9 b. pleading guilty, pleading nolo contendere ~~or,~~
10 receiving a ~~conviction for~~ deferred sentence or being
11 convicted of a misdemeanor involving moral turpitude,
12 or

13 c. pleading guilty, pleading nolo contendere ~~or,~~
14 receiving a ~~conviction for~~ deferred sentence or being
15 convicted of a violation of federal or state
16 controlled dangerous substance laws;

17 4. ~~Comply with the jurisprudence assessment of this state;~~

18 5. If requested, appear before the Board for a personal
19 interview; and

20 6.

21 5. Pay an application fee to be set by rule of the Board.

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

1 E. In addition to an applicant's failure to meet any other
2 requirements imposed by this section or other applicable law, the
3 Board may deny a license or impose probationary conditions if an
4 applicant has:

5 1. Pled guilty, pleaded nolo contendere, received a deferred
6 sentence or been convicted of a felony;

7 2. Pled guilty, pleaded nolo contendere, received a deferred
8 sentence or been convicted of a misdemeanor involving moral
9 turpitude;

10 3. Pled guilty, pleaded nolo contendere, received a deferred
11 sentence or been convicted of a violation of federal or state
12 controlled dangerous substance laws;

13 4. Been the subject of disciplinary action by the Board; or

14 5. Been the subject of disciplinary action in another
15 jurisdiction.

16 SECTION 5. AMENDATORY 59 O.S. 2011, Section 161.10a, is
17 amended to read as follows:

18 Section 161.10a. A. At least ninety (90) calendar days prior
19 to ~~offering a~~ the date of a proposed continuing education course ~~in~~
20 ~~Oklahoma~~, an applicant, association or entity shall submit to the
21 Board for approval:

22 1. An application to provide continuing education in this
23 state;

24 2. The agenda for the continuing education seminar;

1 3. The professional background of the instructors; and

2 4. A summary of the courses to be taught at the continuing
3 education seminar.

4 B. No later than ~~thirty (30)~~ sixty (60) calendar days after
5 submission of the application, the Board of Chiropractic Examiners
6 shall either approve or reject the continuing education seminar.

7 C. A continuing education program shall offer seminars
8 providing continuing education on those subjects within the scope of
9 practice of chiropractic as well as those technical, professional,
10 and practical subjects that relate to the practice of chiropractic
11 as included in Section 161.8 of Title 59 of the Oklahoma Statutes.
12 Instructors at continuing education seminars may sell products as
13 long as the sale of such products is ancillary to the purpose of the
14 seminar.

15 D. Each year a chiropractic physician must attend sixteen (16)
16 hours of continuing education. Twelve (12) hours must be within the
17 scope of practice of chiropractic as well as those technical,
18 professional, and practical subjects that relate to the practice of
19 chiropractic as included in Section 161.8 of this title. A maximum
20 of four (4) hours may be non-clinical in nature.

21 E. Beginning January 1, 2006, a maximum of eight (8) hours of
22 the annual Oklahoma continuing education requirements may be
23 obtained by a continuing education program outside this state if the
24 out-of-state continuing education program is approved by the Board.

1 F. Chiropractic physicians who have not been in active practice
2 during the previous year shall be exempt from that calendar year's
3 continuing education requirements. However, prior to returning to
4 active practice, the chiropractor must have attended the required
5 continuing education during the previous calendar year.

6 G. All licensed chiropractic physicians must attend a minimum
7 of eight (8) hours of in-state continuing education programs
8 approved by the Board of Chiropractic Examiners.

9 H. ~~Beginning January 1, 2005, the~~ The Board shall may waive the
10 ~~in-state attendance~~ requirements for continuing education, if the
11 licensee was prevented from attending by illness or extenuating
12 circumstances, as determined by the Board. In waiving the
13 continuing education requirements for any given year, the Board may
14 require the licensee to make up the hours in the succeeding year as
15 a condition for license renewal.

16 SECTION 6. AMENDATORY 59 O.S. 2011, Section 161.11, is
17 amended to read as follows:

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

19 a. a person holding an original license and who is
20 actively engaged in the practice of chiropractic in
21 this state shall pay to the Board of Chiropractic
22 Examiners, on or before July 1 of each year, a renewal
23 license fee of Two Hundred Twenty-five Dollars
24 (\$225.00),

- 1 b. an inactive nonresident holding an original license to
2 practice chiropractic in Oklahoma and who has filed a
3 statement with the Board that the licensee is not
4 actively engaged in the practice of chiropractic in
5 this state and shall not engage in the practice of
6 chiropractic in this state during the succeeding year,
7 shall pay to the Board, on or before July 1 of each
8 year, a renewal license fee of One Hundred Seventy-
9 five Dollars (\$175.00),
- 10 c. an inactive resident holding an original license to
11 practice chiropractic in Oklahoma, and who has filed,
12 or on whose behalf has been filed, a statement with
13 the Board that because of illness, infirmity, active
14 military service or other circumstances as approved by
15 the Board, the licensee is unable to actively engage
16 in the practice of chiropractic during the succeeding
17 year, shall pay to the Board a renewal license fee of
18 One Hundred Dollars (\$100.00), and
- 19 d. a person holding an original license, but who is
20 sixty-five (65) years of age or older and who has
21 filed a statement with the Board that the licensee is
22 not actively engaged in the practice of chiropractic
23 in this state and shall not engage in the practice of
24 chiropractic in this state during the succeeding year,

1 shall pay to the Board a renewal licensee fee of Fifty
2 Dollars (\$50.00).

3 2. In addition, each licensee shall present to the Board
4 satisfactory evidence that during the preceding twelve (12) months
5 the licensee attended sixteen (16) hours of continuing education
6 that meets the requirements of Section 161.10a of this title,
7 provided that inactive resident licensees may, at the discretion of
8 the Board, be exempt from this requirement.

9 3. ~~Beginning January 1, 2006, every~~ Every chiropractic
10 physician who is actively engaged in the practice of chiropractic in
11 this state shall submit to the Board documentary evidence that the
12 chiropractor has malpractice insurance and maintains such insurance
13 twelve (12) months of each year when practicing in this state. Any
14 licensee who is not actively engaged in practice in this state,
15 shall be exempt from providing proof of malpractice insurance.

16 B. Subject to the laws of this state applicable to professional
17 licenses and rules promulgated pursuant to the Oklahoma Chiropractic
18 Practice Act, the Board shall, upon determination that a licensee
19 has complied with the requirements of ~~subsection A of~~ this section
20 and the duly promulgated rules of the Board, issue a renewal license
21 to said licensee.

22 C. The failure of a licensee to properly renew a license or
23 certificate shall be evidence of noncompliance with the Oklahoma
24 Chiropractic Practice Act.

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

4 2. If within sixty (60) calendar days after July 1, the
5 licensee cures any renewal requirement deficiency, pays the renewal
6 fee, and ~~the~~ pays a reinstatement fee set by the Board, the license
7 may be reactivated.

8 3. If a license is not reactivated under this subsection within
9 sixty (60) calendar days ~~elapse and the license is not reinstated~~
10 after July 1, the license shall automatically be suspended for
11 failure to renew.

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

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

17 1. Payment of a reinstatement fee in an amount fixed by the
18 Board not to exceed Four Hundred Dollars (\$400.00);

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

21 3. Presentation to the Board of satisfactory evidence of
22 compliance with the continuing education requirement of this section
23 for the calendar year in which the original license is reinstated.
24

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

- 4 1. Minimum and maximum administrative fines;
- 5 2. Periods of suspension, probation or supervision;
- 6 3. Terms and conditions of probation; and
- 7 4. Terms and conditions for the reinstatement of an original
8 license or renewal license, or both.

9 F. The license of a chiropractic physician who is not compliant
10 with Oklahoma income tax law pursuant to Section 238.1 of Title 68
11 of the Oklahoma Statutes shall not be renewed. Such license shall
12 be automatically suspended at the date of renewal and shall remain
13 suspended until the Board receives notice from the Oklahoma Tax
14 Commission that the licensee has come into compliance with Oklahoma
15 income tax law. A physician whose license is suspended under this
16 subsection shall pay a reinstatement fee in an amount fixed by the
17 Board but not to exceed Four Hundred Dollars (\$400.00).

18 SECTION 7. This act shall become effective November 1, 2018.

19 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
20 February 26, 2018 - DO PASS
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