

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3246

By: Randleman and **Frix**

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8 COMMITTEE SUBSTITUTE

9 An Act relating to professions and occupations;
10 amending 59 O.S. 2021, Section 161.12, which relates
11 to penalties imposed by the Board of Chiropractic
12 Examiners; permitting chiropractic physicians to
13 possess, prescribe or administer certain articles of
14 natural origin; and providing an effective date.

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

16 SECTION 1. AMENDATORY 59 O.S. 2021, Section 161.12, is
17 amended to read as follows:

18 Section 161.12 A. The Board of Chiropractic Examiners is
19 authorized, after notice and an opportunity for a hearing pursuant
20 to Article II of the Administrative Procedures Act, to issue an
21 order imposing one or more of the following penalties whenever the
22 Board finds, by clear and convincing evidence, that a chiropractic
23 physician has committed any of the acts or occurrences set forth in
24 subsection B of this section:

1. Disapproval of an application for a renewal license;

1 2. Revocation or suspension of an original license or renewal
2 license, or both;

3 3. Restriction of the practice of a chiropractic physician
4 under such terms and conditions as deemed appropriate by the Board;

5 4. An administrative fine not to exceed One Thousand Dollars
6 (\$1,000.00) for each count or separate violation;

7 5. A censure or reprimand;

8 6. Placement of a chiropractic physician on probation for a
9 period of time and under such terms and conditions as the Board may
10 specify, including requiring the chiropractic physician to submit to
11 treatment, to attend continuing education courses, to submit to
12 reexamination, or to work under the supervision of another
13 chiropractic physician; and

14 7. The assessment of costs expended by the Board in
15 investigating and prosecuting a violation. The costs may include,
16 but are not limited to, staff time, salary and travel expenses,
17 witness fees and attorney fees, and shall be considered part of the
18 order of the Board.

19 B. The following acts or occurrences by a chiropractic
20 physician shall constitute grounds for which the penalties specified
21 in subsection A of this section may be imposed by order of the
22 Board:

23 1. Pleading guilty or nolo contendere to, or being convicted
24 of, a felony, a misdemeanor involving moral turpitude, or a

1 violation of federal or state controlled dangerous substances laws.

2 A copy of the judgment and sentence of the conviction, duly
3 certified by the clerk of the court in which the conviction was
4 obtained, and a certificate of the clerk that the conviction has
5 become final, shall be sufficient evidence for the imposition of a
6 penalty;

7 2. Being habitually drunk or habitually using habit-forming
8 drugs;

9 3. Using advertising in which statements are made that are
10 fraudulent, deceitful or misleading to the public;

11 4. Aiding or abetting any person not licensed to practice
12 chiropractic in this state to practice chiropractic, except students
13 who are regularly enrolled in an accredited chiropractic college;

14 5. Performing or attempting to perform major or minor surgery
15 in this state, or using electricity in any form for surgical
16 purposes, including cauterization;

17 6. Using or having in a chiropractic physician's possession any
18 instrument for treatment purposes, the use or possession of which
19 has been prohibited or declared unlawful by any agency of the United
20 States or the State of Oklahoma;

21 7. Unlawfully possessing, prescribing or administering any
22 drug, medicine, serum or vaccine. This section shall not prevent a
23 chiropractic physician from possessing, prescribing or
24 administering, by a needle or otherwise, articles of natural origin,

1 including, but not limited to, vitamins, minerals, amino acids,
2 fatty acids, enzymes, antioxidants, cellular agents or extracts,
3 botanicals or phytonutrients, articles with homeopathic
4 pharmacopeia, or nutritional supplements, or from practicing within
5 the scope of the science and art of chiropractic as defined in
6 Section 161.2 of this title; provided this subparagraph shall not
7 apply to the administration of stem cells or serums;

8 8. Advertising or displaying, directly or indirectly, any
9 certificate, diploma or other document which conveys or implies
10 information that the person is skilled in any healing art other than
11 chiropractic unless the chiropractic physician also possesses a
12 valid current license in said healing art;

13 9. Obtaining an original license or renewal license in a
14 fraudulent manner;

15 10. Violating any provision of the Unfair Claims Settlement
16 Practices Act or any rule promulgated pursuant thereto;

17 11. Willfully aiding or assisting an insurer, as defined in
18 Section 1250.2 of Title 36 of the Oklahoma Statutes, or an
19 administrator, as defined in Section 1442 of Title 36 of the
20 Oklahoma Statutes, to deny claims which under the terms of the
21 insurance contract are covered services and are medically necessary;

22 12. Violating any provision of the Oklahoma Chiropractic
23 Practice Act; or

24 13. Violating any of the rules of the Board.

1 C. Any chiropractic physician against whom a penalty is imposed
2 by an order of the Board under the provisions of this section shall
3 have the right to seek a judicial review of the order pursuant to
4 Article II of the Administrative Procedures Act.

5 D. The Board is authorized to issue a confidential letter of
6 concern to a chiropractic physician when, though evidence does not
7 warrant initiation of an individual proceeding, the Board has noted
8 indications of possible errant conduct by the chiropractic physician
9 that could lead to serious consequences and formal action by the
10 Board.

11 E. If no order imposing a penalty against a chiropractic
12 physician is issued by the Board within three (3) years after a
13 complaint against the chiropractic physician is received by the
14 Board, the complaint and all related documents shall be expunged
15 from the records of the Board.

16 SECTION 2. This act shall become effective November 1, 2022.

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18 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE, dated
19 03/02/2022 - DO PASS, As Amended and Coauthored.
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