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SENATE BILL NO. 49

and

An Act relating to chiropractic; amending 59 O.S. 2011, Section 161.7, as last amended by Section 8, Chapter 363, O.S.L. 2019 (59 O.S. Supp. 2020, Section 161.7), which relates to application for original license by examination; modifying application fee; eliminating examination fee; amending 59 O.S. 2011, Section 161.9, as last amended by Section 5, Chapter 213, O.S.L. 2019 (59 O.S. Supp. 2020, Section 161.9), which relates to application for original license by relocation of practice; modifying application fee; broadening entities who may administer examination; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 161.7, as last amended by Section 8, Chapter 363, O.S.L. 2019 (59 O.S. Supp. 2020, Section 161.7), is amended to read as follows:

Section 161.7. A. 1. Applications for an original license by examination to practice chiropractic in this state shall be made to the Board of Chiropractic Examiners in writing on a form and in a manner prescribed by the Board.

1 2. The application shall be accompanied by a fee of ~~One Hundred~~
2 ~~Seventy-five Dollars (\$175.00)~~ Three Hundred Dollars (\$300.00),
3 which shall not be refundable under any circumstances.

4 3. If the application is disapproved by the Board, the
5 applicant shall be so notified by the Executive Director, with the
6 reason for such disapproval fully stated in writing.

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

14 5. Prior to approval of an application, the Board may authorize
15 the Executive Director to issue a temporary license to an applicant
16 who has submitted a completed application and who, upon payment of
17 the examination fee, has passed the required examination with a
18 score acceptable to the Board. A temporary license shall authorize
19 the applicant to practice chiropractic in Oklahoma between the
20 submission of the application and the applicant's approval for
21 licensure by the Board. A temporary license shall expire upon the
22 Board's approval of a permanent license or ten (10) calendar days
23 following the Board's denial of an application for a permanent
24 license.

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

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

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

14 3. Passing a jurisprudence examination approved by the Board
15 with a score of seventy-five percent (75%) or better.

16 C. Each applicant shall be a graduate of an accredited
17 chiropractic college. For those graduating from a chiropractic
18 program outside the United States, the applicants must have
19 completed an educational program leading to a degree in chiropractic
20 from an institution authorized to operate by the government having
21 jurisdiction in which it is domiciled.

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

1 E. International applicants shall provide satisfactory evidence
2 of meeting the requirements for permanent residence or temporary
3 nonimmigrant status as set forth by the United States Citizenship
4 and Immigration Services.

5 F. Effective January 1, 2006, out-of-state licensed applicants
6 shall submit to the Board documentary evidence that the applicant
7 has malpractice insurance. New applicants shall submit to the Board
8 documentary evidence that the applicant has malpractice insurance
9 within six (6) months of obtaining their Oklahoma license.

10 G. An applicant for an original license shall:

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

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

17 3. Provide full disclosure to the Board of any criminal
18 proceeding taken against the applicant including, but not limited
19 to, pleading guilty or nolo contendere to, receiving a deferred
20 sentence for, or being convicted of a felony crime that
21 substantially relates to the practice of chiropractic and poses a
22 reasonable threat to public safety; and

23 4. If requested, appear before the Board for a personal
24 interview.

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

7 I. The Board may issue an original license to those applicants
8 who have passed the required examination with a score acceptable to
9 the Board and who meet all other requirements set forth by the
10 Board. No license fee shall be charged by the Board for the balance
11 of the calendar year in which such a license is issued.

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

16 1. Pleaded guilty or nolo contendere to, received a deferred
17 sentence for, or been convicted of a felony crime that substantially
18 relates to the practice of chiropractic and poses a reasonable
19 threat to public safety;

20 2. Been the subject of disciplinary action by the Board; or

21 3. Been the subject of disciplinary action in another
22 jurisdiction.

23 K. As used in this section:
24

1 1. "Substantially relates" means the nature of criminal conduct
2 for which the person was convicted has a direct bearing on the
3 fitness or ability to perform one or more of the duties or
4 responsibilities necessarily related to the occupation; and

5 2. "Poses a reasonable threat" means the nature of criminal
6 conduct for which the person was convicted involved an act or threat
7 of harm against another and has a bearing on the fitness or ability
8 to serve the public or work with others in the occupation.

9 SECTION 2. AMENDATORY 59 O.S. 2011, Section 161.9, as
10 last amended by Section 5, Chapter 213, O.S.L. 2019 (59 O.S. Supp.
11 2020, Section 161.9), is 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)~~ Three
17 Hundred Dollars (\$300.00), which shall not be refundable under any
18 circumstances. If the application is disapproved by the Board, it
19 shall be returned to the applicant with the reason for its
20 disapproval fully stated in writing.

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

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

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

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

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

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

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

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

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

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

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, receiving a
7 deferred sentence or being convicted of a felony,

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

11 c. pleading guilty, pleading nolo contendere, receiving a
12 deferred sentence or being convicted of a violation of
13 federal or state controlled dangerous substance laws;

14 4. If requested, appear before the Board for a personal
15 interview; and

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

17 D. The Board may authorize the Executive Director to issue a
18 temporary license to an applicant who has submitted a completed
19 application and has passed the required examination with a score
20 acceptable to the Board. A temporary license shall authorize the
21 applicant to practice chiropractic in Oklahoma between the
22 submission of the application and the applicant's approval for
23 licensure by the Board. A temporary license shall expire upon the
24 Board's approval of a permanent license or ten (10) calendar days

1 following the Board's denial of an application for a permanent
2 license.

3 E. No license fee shall be charged by the Board for the balance
4 of the calendar year in which such a license is issued.

5 F. In addition to an applicant's failure to meet any other
6 requirements imposed by this section or other applicable law, the
7 Board may deny a license or impose probationary conditions if an
8 applicant has:

9 1. Pleaded guilty, pleaded nolo contendere, received a deferred
10 sentence or been convicted of a felony;

11 2. Pleaded guilty, pleaded nolo contendere, received a deferred
12 sentence or been convicted of a misdemeanor involving moral
13 turpitude;

14 3. Pleaded guilty, pleaded nolo contendere, received a deferred
15 sentence or been convicted of a violation of federal or state
16 controlled dangerous substance laws;

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

18 5. Been the subject of disciplinary action in another
19 jurisdiction.

20 SECTION 3. This act shall become effective November 1, 2021.

21 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
22 February 3, 2021 - DO PASS and referred to second committee;
February 9, 2021, withdrawn from Appropriations Committee.