

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 HOUSE BILL 3356

By: Marti

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6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2021, Section 161.12, which relates
9 to grounds for imposing penalties in the Oklahoma
10 Chiropractic Practice Act; clarifying the scope of
11 injectables; and providing an effective date.

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

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

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

- 22 1. Disapproval of an application for a renewal license;
23 2. Revocation or suspension of an original license or renewal
24 license, or both;

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

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

5 5. A censure or reprimand;

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

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

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

21 1. Pleading guilty or nolo contendere to, or being convicted
22 of, a felony, a misdemeanor involving moral turpitude, or a
23 violation of federal or state controlled dangerous substances laws.

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

5 2. Being habitually drunk or habitually using habit-forming
6 drugs;

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

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

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

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

19 7. Unlawfully possessing, prescribing or administering any
20 drug, medicine, serum or vaccine. This section shall not prevent a
21 chiropractic physician from possessing, prescribing or
22 administering, by a needle or otherwise, vitamins, minerals or
23 nutritional supplements, or from practicing within the scope of the
24 science and art of chiropractic as defined in Section 161.2 of this
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1 title, provided, however, that a chiropractic physician who is
2 authorized by the Board to administer and use injectables shall not
3 possess, prescribe, or administer injections of any product
4 categorized as a biologic pursuant to U.S. Food and Drug
5 Administration regulations, including but not limited to:

- 6 a. stem cells,
- 7 b. platelet injection therapy,
- 8 c. platelet rich plasma therapy,
- 9 d. activated platelet therapy, and
- 10 e. intravenous ozone therapy;

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

16 9. Obtaining an original license or renewal license in a
17 fraudulent manner;

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

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

1 12. Violating any provision of the Oklahoma Chiropractic
2 Practice Act; or

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

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

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

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

19 SECTION 2. This act shall become effective November 1, 2024.

21 59-2-9422 TJ 12/27/23

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