

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1044

By: Randleman

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5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2021, Sections 161.2 and 161.12,
9 which relate to the Oklahoma Chiropractic Practice
10 Act; modifying scope of practice; adding supplements
11 that a chiropractor may prescribe or administer; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 59 O.S. 2021, Section 161.2, is
15 amended to read as follows:

16 Section 161.2 A. Chiropractic is the science and art that
17 teaches health in anatomic relation and disease or abnormality in
18 anatomic disrelation, and includes hygienic, sanitary and
19 therapeutic measures incident thereto in humans. The scope of
20 practice of chiropractic shall include those diagnostic and
21 treatment services and procedures which have been taught by an
22 accredited chiropractic college ~~and~~ or have been approved by the
23 Board of Chiropractic Examiners.

1 B. A chiropractic physician may engage in the practice of
2 animal chiropractic diagnosis and treatment if certified to do so by
3 the Board. A licensed chiropractic physician may provide
4 chiropractic treatment to an animal without being certified in
5 animal chiropractic diagnosis and treatment by the Board if an
6 animal has been referred to the chiropractic physician by a licensed
7 veterinarian in writing.

8 SECTION 2. AMENDATORY 59 O.S. 2021, Section 161.12, is
9 amended to read as follows:

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

- 17 1. Disapproval of an application for a renewal license;
- 18 2. Revocation or suspension of an original license or renewal
19 license, or both;
- 20 3. Restriction of the practice of a chiropractic physician
21 under such terms and conditions as deemed appropriate by the Board;
- 22 4. An administrative fine not to exceed One Thousand Dollars
23 (\$1,000.00) for each count or separate violation;
- 24 5. A censure or reprimand;

1 6. Placement of a chiropractic physician on probation for a
2 period of time and under such terms and conditions as the Board may
3 specify, including requiring the chiropractic physician to submit to
4 treatment, to attend continuing education courses, to submit to
5 reexamination, or to work under the supervision of another
6 chiropractic physician; and

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

12 B. The following acts or occurrences by a chiropractic
13 physician shall constitute grounds for which the penalties specified
14 in subsection A of this section may be imposed by order of the
15 Board:

16 1. Pleading guilty or nolo contendere to, or being convicted
17 of, a felony, a misdemeanor involving moral turpitude, or a
18 violation of federal or state controlled dangerous substances laws.
19 A copy of the judgment and sentence of the conviction, duly
20 certified by the clerk of the court in which the conviction was
21 obtained, and a certificate of the clerk that the conviction has
22 become final, shall be sufficient evidence for the imposition of a
23 penalty;

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- 1 2. Being habitually drunk or habitually using habit-forming
2 drugs;
- 3 3. Using advertising in which statements are made that are
4 fraudulent, deceitful or misleading to the public;
- 5 4. Aiding or abetting any person not licensed to practice
6 chiropractic in this state to practice chiropractic, except students
7 who are regularly enrolled in an accredited chiropractic college;
- 8 5. Performing or attempting to perform major or minor surgery
9 in this state, or using electricity in any form for surgical
10 purposes, including cauterization;
- 11 6. Using or having in a chiropractic physician's possession any
12 instrument for treatment purposes, the use or possession of which
13 has been prohibited or declared unlawful by any agency of the United
14 States or the State of Oklahoma;
- 15 7. Unlawfully possessing, prescribing or administering any
16 drug, medicine, serum or vaccine. This section shall not prevent a
17 chiropractic physician from possessing, prescribing or
18 administering, by a needle or otherwise, articles of natural origin,
19 including, but not limited to, vitamins, minerals, amino acids,
20 fatty acids, enzymes, antioxidants, oxygen, cellular agents or
21 extracts, botanicals or phytonutrients, and articles within the
22 homeopathic pharmacopeia, or injectable or nutritional supplements,
23 or from practicing within the scope of the science and art of
24 chiropractic as defined in Section 161.2 of this title, provided

1 this paragraph shall not apply to the administration of autologous
2 stem cells;

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

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

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

12 11. Willfully aiding or assisting an insurer, as defined in
13 Section 1250.2 of Title 36 of the Oklahoma Statutes, or an
14 administrator, as defined in Section 1442 of Title 36 of the
15 Oklahoma Statutes, to deny claims which under the terms of the
16 insurance contract are covered services and are medically necessary;

17 12. Violating any provision of the Oklahoma Chiropractic
18 Practice Act; or

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

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

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

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

12 SECTION 3. This act shall become effective November 1, 2023.

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