

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 55th Legislature (2015)

4   HOUSE BILL 1019

                                  By: Faught

7                                   AS INTRODUCED

8                   An Act relating to sunset; amending 59 O.S. 2011,  
9                   Section 137, which relates to the Board of Podiatric  
10                  Medical Examiners; re-creating the Board; and  
11                  modifying termination date.

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

13                  SECTION 1.           AMENDATORY           59 O.S. 2011, Section 137, is  
14   amended to read as follows:

15                  Section 137.   A.   A Board of Podiatric Medical Examiners is  
16   hereby re-created, to continue until July 1, ~~2015~~ 2022, in  
17   accordance with the provisions of the Oklahoma Sunset Law.   Said  
18   Board shall regulate the practice of podiatric medicine in this  
19   state in accordance with the provisions of the Podiatric Medicine  
20   Practice Act.   The Board, appointed by the Governor, shall be  
21   composed of five podiatric physicians licensed to practice podiatric  
22   medicine in this state and one lay member representing the public.

23                  B.   Each podiatric physician member of the Board shall:

24                  1.   Be a legal resident of this state;

1           2. Have practiced podiatric medicine continuously in this state  
2 during the three (3) years immediately preceding his appointment to  
3 the Board;

4           3. Be free of pending disciplinary action or active  
5 investigation by the Board; and

6           4. Be a member in good standing of the American Podiatric  
7 Medical Association and of the Oklahoma Podiatric Medical  
8 Association.

9           C. The lay member of the Board shall:

10           1. Be a legal resident of this state;

11           2. Not be a registered or licensed practitioner of any of the  
12 healing arts or be related, within the third degree of consanguinity  
13 or affinity, to any such person; and

14           3. Participate in Board proceedings only for the purposes of:

15           a. reviewing, investigating and disposing of written  
16 complaints regarding the conduct of podiatric  
17 physicians; and

18           b. formulating, adopting and promulgating rules pursuant  
19 to Article I of the Administrative Procedures Act.

20           D. Except as provided in subsection E of this section, the term  
21 of office of each podiatric physician member of the Board shall be  
22 five (5) years, with one such member being appointed to the Board  
23 each year. The lay member of the Board shall serve a term  
24 coterminous with that of the Governor. Each member shall hold

1 office until the expiration of the term for which appointed or until  
2 a qualified successor has been duly appointed. An appointment shall  
3 be made by the Governor within ninety (90) days after the expiration  
4 of the term of any member, or the occurrence of a vacancy on the  
5 Board due to resignation, death, or any other cause resulting in an  
6 unexpired term. The appointment of the podiatric physician members  
7 shall be made from a list of not less than five persons submitted  
8 annually to the Governor by the Oklahoma Podiatric Medical  
9 Association.

10 E. Each of the three podiatric physician members of the Board,  
11 serving on the effective date of this act, shall complete the term  
12 of office for which he was appointed, and the successor to each such  
13 member shall be appointed for a term of five (5) years. Within  
14 sixty (60) days after the effective date of this act, the Governor  
15 shall appoint two new podiatric physician members to the Board, one  
16 for a term expiring July 1, 1997, and one for a term expiring on  
17 July 1, 1998. The successor to each such new member shall be  
18 appointed for a term of five (5) years.

19 F. Before assuming his duties on the Board, each member shall  
20 take and subscribe to the oath or affirmation provided in Article XV  
21 of the Oklahoma Constitution, which oath or affirmation shall be  
22 administered and filed as provided in said article.

23 G. A member may be removed from the Board by the Governor for  
24 cause which shall include, but not be limited to:

- 1        1.    Ceasing to be qualified;
- 2        2.    Being found guilty by a court of competent jurisdiction of a
- 3 felony or of any offense involving moral turpitude;
- 4        3.    Being found guilty, through due process, of malfeasance,
- 5 misfeasance or nonfeasance in relation to his Board duties;
- 6        4.    Being found mentally incompetent by a court of competent
- 7 jurisdiction;
- 8        5.    Being found in violation of any provision of the Podiatric
- 9 Medicine Practice Act; or
- 10       6.    Failing to attend three consecutive meetings of the Board
- 11 without just cause, as determined by the Board.

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COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES, dated  
02/04/2015 - DO PASS.