

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 1079

 By: Gann and **Crosswhite Hader**

7 AS INTRODUCED

8 An Act relating to sunset; amending 59 O.S. 2011,
9 Section 137, as last amended by Section 1, Chapter
10 469, O.S.L. 2019 (59 O.S. Supp. 2020, Section 137),
 which relates to the Board of Podiatric Medical
11 Examiners; re-creating the Board; and modifying
 termination date.

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

14 SECTION 1. AMENDATORY 59 O.S. 2011, Section 137, as last
15 amended by Section 1, Chapter 469, O.S.L. 2019 (59 O.S. Supp. 2020,
16 Section 137), is amended to read as follows:

17 Section 137. A. A Board of Podiatric Medical Examiners is
18 hereby re-created, to continue until July 1, ~~2021~~ 2024, in
19 accordance with the provisions of the Oklahoma Sunset Law. Said
20 Board shall regulate the practice of podiatric medicine in this
21 state in accordance with the provisions of the Podiatric Medicine
22 Practice Act. The Board, appointed by the Governor, shall be
23 composed of five podiatric physicians licensed to practice podiatric
24 medicine in this state and one lay member representing the public.

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

2 1. Be a legal resident of this state;

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

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

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

11 C. The lay member of the Board shall:

12 1. Be a legal resident of this state;

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

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

17 a. reviewing, investigating and disposing of written
18 complaints regarding the conduct of podiatric
19 physicians, and

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

22 D. Except as provided in subsection E of this section, the term
23 of office of each podiatric physician member of the Board shall be
24 five (5) years, with one such member being appointed to the Board

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

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

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

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

3 1. Ceasing to be qualified;

4 2. Being found guilty by a court of competent jurisdiction of a
5 felony or of any offense involving moral turpitude;

6 3. Being found guilty, through due process, of malfeasance,
7 misfeasance or nonfeasance in relation to ~~his~~ Board duties;

8 4. Being found mentally incompetent by a court of competent
9 jurisdiction;

10 5. Being found in violation of any provision of the Podiatric
11 Medicine Practice Act; or

12 6. Failing to attend three consecutive meetings of the Board
13 without just cause, as determined by the Board.

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15 COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES, dated
16 02/17/2021 - DO PASS, As Coauthored.