

1 **SENATE FLOOR VERSION**

2 April 3, 2017

3 ENGROSSED HOUSE  
4 BILL NO. 1448

By: Faught of the House

5 and

6 Griffin of the Senate

7  
8 An Act relating to professions and occupations;  
9 amending 59 O.S. 2011, Section 161.6, as last amended  
10 by Section 1, Chapter 155, O.S.L. 2015 (59 O.S. Supp.  
11 2016, Section 161.6), which relates to the powers of  
12 the Board of Chiropractic Examiners; requiring  
13 certain applicants to submit to national criminal  
14 history record check; requiring costs of record check  
15 to be paid by applicant; and providing an effective  
16 date.

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

18 SECTION 1. AMENDATORY 59 O.S. 2011, Section 161.6, as  
19 last amended by Section 1, Chapter 155, O.S.L. 2015 (59 O.S. Supp.  
20 2016, Section 161.6), is amended to read as follows:

21 Section 161.6 A. Pursuant to and in compliance with Article I  
22 of the Administrative Procedures Act, the Board of Chiropractic  
23 Examiners shall have the power to formulate, adopt and promulgate  
24 rules as may be necessary to regulate the practice of chiropractic  
in this state and to implement and enforce the provisions of the  
Oklahoma Chiropractic Practice Act.

1 B. The Board is authorized and empowered to:

2 1. Establish and maintain a procedure or system for the  
3 certification or accreditation of chiropractic physicians who are  
4 qualified in chiropractic post-doctorate Diplomate and all other  
5 chiropractic specialties;

6 2. Establish a registration system and adopt and enforce  
7 standards for the education and training of chiropractic physicians  
8 who engage in the business of issuing professional opinions on the  
9 condition, prognosis or treatment of a patient;

10 3. Adopt and enforce standards governing the professional  
11 conduct of chiropractic physicians, consistent with the provisions  
12 of the Oklahoma Chiropractic Practice Act, for the purpose of  
13 establishing and maintaining a high standard of honesty, dignity,  
14 integrity and proficiency in the profession;

15 4. Lease office space for the purpose of operating and  
16 maintaining a state office, and pay the rent thereon; provided,  
17 however, such state office shall not be located in or directly  
18 adjacent to the office of any practicing chiropractic physician;

19 5. Purchase office furniture, equipment and supplies;

20 6. Employ, direct, reimburse, evaluate, and dismiss such office  
21 personnel, as may be necessary, in accordance with state procedures;

22 7. Employ legal counsel, as needed, to represent the Board in  
23 all legal matters and to assist authorized state officers in  
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1 prosecuting or restraining violations of the Oklahoma Chiropractic  
2 Practice Act, and pay the fees for such services;

3 8. Order or subpoena the attendance of witnesses, the  
4 inspection of records and premises and the production of relevant  
5 books and papers for the investigation of matters that may come  
6 before the Board;

7 9. Employ or contract with one or more investigators, as  
8 needed, for the sole purpose of investigating written complaints  
9 regarding the conduct of chiropractic physicians, and fix and pay  
10 their salaries or wages. Any investigator shall be certified as a  
11 peace officer by the Council on Law Enforcement Education and  
12 Training and shall have statewide jurisdiction to perform the duties  
13 authorized by this section;

14 10. Pay the costs of such research programs in chiropractic as  
15 in the determination of the Board would be beneficial to the  
16 chiropractic physicians in this state;

17 11. Establish minimum standards for continuing education  
18 programs administered by chiropractic associations pursuant to  
19 Section 161.11 of this title;

20 12. Make such other expenditures as may be necessary in the  
21 performance of its duties;

22 13. Establish appropriate fees and charges to implement the  
23 provisions of the Oklahoma Chiropractic Practice Act;

24 14. Establish policies for Board operations;

1 15. Determine and direct Board operating administrative,  
2 personnel and budget policies and procedures in accordance with  
3 applicable statutes;

4 16. Provide travel expenses for at least the Executive Director  
5 and provide travel expenses for members of the Board to attend an  
6 annual national conference. The Board shall give each member the  
7 opportunity to attend the annual national conference;

8 ~~17. Assess chiropractic applicants the cost for a criminal~~  
9 ~~background check. The criminal background checks required by this~~  
10 ~~section shall follow the requirements of Section 1-1950.1 of Title~~  
11 ~~63 of the Oklahoma Statutes~~ Require applicants for an original  
12 license to submit to a national criminal history record check  
13 pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes. The  
14 costs associated with the national criminal history record check  
15 shall be paid directly by the applicant;

16 18. Out-of-state licensed chiropractic physicians may travel  
17 into Oklahoma to treat patients for special events including, but  
18 not limited to, sporting events and state emergencies within the  
19 borders of Oklahoma after properly registering with the Board of  
20 Chiropractic Examiners; and

21 19. The Board of Chiropractic Examiners, by rule, shall  
22 promulgate a code of ethics.

23 C. The Board shall promulgate rules regarding continuing  
24 education seminars or courses or license renewal seminars or courses

1 including, but not limited to, the qualifications of an applicant,  
2 association or entity seeking to sponsor a seminar or course, where  
3 the association or entity is domiciled, whether the association or  
4 entity is classified as a nonprofit organization, and the  
5 educational experience of instructors applying to conduct a seminar  
6 or course. The Board shall also promulgate rules regarding  
7 certified chiropractic assistants.

8 D. 1. The Board shall appoint an Advisory Committee of a  
9 minimum of four and no more than six chiropractic physicians and one  
10 lay member representing the public who may advise and assist the  
11 Board in:

- 12 a. investigating the qualifications of applicants for an  
13 original license to practice chiropractic in this  
14 state,
- 15 b. investigating written complaints regarding the conduct  
16 of chiropractic physicians, including alleged  
17 violations of the Oklahoma Chiropractic Practice Act  
18 or of the rules of the Board, and
- 19 c. such other matters as the Board shall delegate to  
20 them.

21 2. The Advisory Committee shall be selected from a list of ten  
22 chiropractic physicians and three lay persons submitted by each  
23 chiropractic association or society in this state or any  
24 unaffiliated chiropractic physician desiring to submit a list. The

1 term of service for members of the Advisory Committee shall be  
2 determined by the Board. Members of the Advisory Committee shall be  
3 reimbursed for all actual and necessary expenses incurred in the  
4 performance of their duties in accordance with the State Travel  
5 Reimbursement Act.

6 E. 1. After an initial complaint is received by the Board, the  
7 Executive Director and the Chair of the Advisory Committee, or  
8 designee, shall determine whether the complaint merits further  
9 investigation. If a determination is made that the complaint merits  
10 further investigation, the Executive Director, in consultation with  
11 the Chair of the Advisory Committee, or designee, shall assign the  
12 complaint to an investigator. The focus and scope of an  
13 investigation shall pertain only to the subject of the complaint.

14 2. The complaint and findings of the investigator shall be  
15 presented to the Advisory Committee for review. The Advisory  
16 Committee, in consultation with the Board's prosecuting attorney,  
17 shall make an informal recommendation for disposition of the  
18 complaint to the Board.

19 F. 1. The Board, its employees, appointed committee members,  
20 independent contractors or other agents of the Board shall keep  
21 confidential the complaint and information obtained during an  
22 investigation into violations of the Oklahoma Chiropractic Practice  
23 Act; provided, however, such information may be introduced by the  
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1 state in administrative proceedings before the Board and the  
2 information then becomes a public record.

3 2. The complaint and information obtained during the  
4 investigation but not introduced in administrative proceedings shall  
5 not be subject to subpoena or discovery in any civil or criminal  
6 proceedings, except that the Board may give such information to law  
7 enforcement and other state agencies as necessary and appropriate in  
8 the discharge of the duties of that agency and only under  
9 circumstances that ensure against unauthorized access to the  
10 information.

11 3. The respondent may acquire information obtained during an  
12 investigation, unless the disclosure of the information is otherwise  
13 prohibited, except for the investigative report, if the respondent  
14 signs a protective order whereby the respondent agrees to use the  
15 information solely for the purpose of defense in the Board  
16 proceeding and in any appeal therefrom and agrees not to otherwise  
17 disclose the information.

18 G. The Board shall promulgate rules regarding the issuance of  
19 field citations and the assessment of administrative penalties no  
20 later than July 1, 2012. Administrative penalties for field  
21 citations shall not exceed Two Hundred Fifty Dollars (\$250.00) for a  
22 first offense and One Thousand Dollars (\$1,000.00) for a second or  
23 subsequent offense.

SECTION 2. This act shall become effective November 1, 2017.

COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
April 3, 2017 - DO PASS

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