

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2828

By: Gann

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to sunset; amending 59 O.S. 2011,
10 Section 161.4, as last amended by Section 1, Chapter
11 156, O.S.L. 2016 (59 O.S. Supp. 2019, Section 161.4),
12 which relates to the Board of Chiropractic Examiners;
13 re-creating the Board; and modifying termination
14 date.

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

16 SECTION 1. AMENDATORY 59 O.S. 2011, Section 161.4, as
17 last amended by Section 1, Chapter 156, O.S.L. 2016 (59 O.S. Supp.
18 2019, Section 161.4), is amended to read as follows:

19 Section 161.4 A. A Board of Chiropractic Examiners is hereby
20 re-created to continue until July 1, ~~2020~~ 2024, in accordance with
21 the provisions of the Oklahoma Sunset Law. The Board shall regulate
22 the practice of chiropractic in this state in accordance with the
23 provisions of the Oklahoma Chiropractic Practice Act. The Board,
24 appointed by the Governor, shall be composed of eight chiropractic
 physicians and one lay member representing the public.

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

2 1. Be a legal resident of this state;

3 2. Have practiced chiropractic continuously in this state
4 during the five (5) years immediately preceding appointment to the
5 Board;

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

8 4. Be a person of recognized professional ability, integrity
9 and good reputation; and

10 5. Be in active clinical chiropractic practice at least fifty
11 percent (50%) of the time.

12 C. The lay member of the Board shall:

13 1. Be a legal resident of this state; and

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

17 D. The Governor shall appoint members to the Board and for
18 terms of years as follows:

19 1. Position 1: Upon expiration of the term of the board member
20 whose term expires November 2, 2006, the Governor shall appoint a
21 board member from District 1 for a term of four (4) years to expire
22 on November 1, 2010, and every four (4) years thereafter;

23 2. Position 2: Upon expiration of the term of the board member
24 whose term expires November 1, 2005, the Governor shall appoint a

1 board member from District 2 for a term of four (4) years to expire
2 on November 1, 2009, and every four (4) years thereafter;

3 3. Position 3: Upon expiration of the term of the board member
4 whose term expires June 7, 2007, the Governor shall appoint a board
5 member from District 3 for a term of four (4) years to expire on
6 June 1, 2011, and every four (4) years thereafter;

7 4. Position 4: Upon expiration of the term of the board member
8 whose term expires November 1, 2007, the Governor shall appoint a
9 board member from District 4 for a term of four (4) years to expire
10 on November 1, 2011, and every four (4) years thereafter;

11 5. Position 5: Upon expiration of the term of the board member
12 whose term expires June 7, 2008, the Governor shall appoint a board
13 member from District 5 for a term of four (4) years to expire on
14 June 1, 2012, and every four (4) years thereafter;

15 6. Position 6: On June 1, 2005, the Governor shall appoint a
16 board member from District 6 for a term of one (1) year to expire on
17 June 1, 2006, and every four (4) years thereafter;

18 7. Position 7: On November 1, 2005, the Governor shall appoint
19 a board member from District 7 for a term of three (3) years to
20 expire on November 1, 2008, and every four (4) years thereafter;

21 8. Position 8: Upon expiration of the term of the board member
22 whose term expires June 7, 2005, the Governor shall appoint a board
23 member from the state at large for a term of four (4) years to
24 expire on June 1, 2009, and every four (4) years thereafter; and

1 9. Position 9: The lay member of the Board shall serve a term
2 coterminous with that of the Governor.

3 E. For the purpose of the Oklahoma Chiropractic Practice Act,
4 the state shall be divided into the following districts:

5 1. District 1: Alfalfa, Beaver, Beckham, Caddo, Cimarron,
6 Custer, Dewey, Ellis, Grant, Greer, Garfield, Harmon, Harper,
7 Jackson, Kiowa, Major, Noble, Roger Mills, Texas, Washita, Woods and
8 Woodward Counties;

9 2. District 2: Tulsa County;

10 3. District 3: Kay, Logan, Lincoln, Osage, Pawnee, Payne and
11 Pottawatomie Counties;

12 4. District 4: Carter, Comanche, Cotton, Garvin, Grady, Love,
13 Murray, Jefferson, Stephens and Tillman Counties;

14 5. District 5: Blaine, Canadian, Cleveland, Kingfisher,
15 McClain and Oklahoma Counties;

16 6. District 6: Atoka, Bryan, Coal, Choctaw, Creek, Hughes,
17 Johnston, Latimer, LeFlore, Marshall, McCurtain, Okfuskee,
18 Pittsburg, Pontotoc, Pushmataha and Seminole Counties; and

19 7. District 7: Adair, Cherokee, Craig, Delaware, Haskell,
20 Mayes, McIntosh, Muskogee, Nowata, Okmulgee, Ottawa, Rogers,
21 Sequoyah, Wagoner and Washington Counties.

22 Members appointed after June 2002 shall serve no more than two (2)
23 consecutive terms.

24

1 F. Each member shall hold office until the expiration of the
2 term of office for which appointed or until a qualified successor
3 has been duly appointed. An appointment shall be made by the
4 Governor within ninety (90) days after the expiration of the term of
5 any member, or the occurrence of a vacancy on the Board due to
6 resignation, death, or any other cause resulting in an unexpired
7 term.

8 G. Before assuming duties on the Board, each member shall take
9 and subscribe to the oath or affirmation provided in Article XV of
10 the Oklahoma Constitution, which oath or affirmation shall be
11 administered and filed as provided in the article.

12 H. A member may be removed from the Board by the Governor for
13 cause which shall include, but not be limited to:

- 14 1. Ceasing to be qualified;
- 15 2. Being found guilty by a court of competent jurisdiction of a
16 felony or any offense involving moral turpitude;
- 17 3. Being found guilty, through due process, of malfeasance,
18 misfeasance or nonfeasance in relation to Board duties;
- 19 4. Being found mentally incompetent by a court of competent
20 jurisdiction;
- 21 5. Being found in violation of any provision of the Oklahoma
22 Chiropractic Practice Act; or
- 23 6. Failing to attend three meetings of the Board without just
24 cause, as determined by the Board.

1 I. No member of the Board shall be:

2 1. A registered lobbyist;

3 2. An officer, board member or employee of a statewide
4 organization established for the purpose of advocating the interests
5 of chiropractors licensed pursuant to the Oklahoma Chiropractic
6 Practice Act; or

7 3. An insurance claims adjuster, reviewer, or consultant;
8 provided, however, a person shall not be considered to be a
9 consultant solely for testifying in a court as an expert witness.

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11 COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES, dated
12 02/11/2020 - DO PASS, As Amended.