

1 **SENATE FLOOR VERSION**

2 February 19, 2020

3 **AS AMENDED**

4 SENATE BILL NO. 1393

5 By: Floyd

6 [chiropractic - application for original license by
7 examination - fee - relocation of practice -
8 effective date]
9

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

11 SECTION 1. AMENDATORY 59 O.S. 2011, Section 161.7, as
12 last amended by Section 8, Chapter 363, O.S.L. 2019 (59 O.S. Supp.
13 2019, Section 161.7), is amended to read as follows:

14 Section 161.7. A. 1. Applications for an original license by
15 examination to practice chiropractic in this state shall be made to
16 the Board of Chiropractic Examiners in writing on a form and in a
17 manner prescribed by the Board.

18 2. The application shall be accompanied by a fee of ~~One Hundred~~
19 ~~Seventy five Dollars (\$175.00)~~ Three Hundred Dollars (\$300.00),
20 which shall not be refundable under any circumstances.

21 3. If the application is disapproved by the Board, the
22 applicant shall be so notified by the Executive Director, with the
23 reason for such disapproval fully stated in writing.
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1 4. If the application is approved, the applicant, ~~upon payment~~
2 ~~of an examination fee of One Hundred Seventy-five Dollars (\$175.00),~~
3 may take an examination administered by the Board for the purpose of
4 securing an original license. The Board may accept a passing score
5 on an examination administered by the National Board of Chiropractic
6 Examiners taken by the applicant, or may require the applicant to
7 take an examination administered by the Board or both.

8 5. Prior to approval of an application, the Board may authorize
9 the Executive Director to issue a temporary license to an applicant
10 who has submitted a completed application and who, upon payment of
11 the examination fee, has passed the required examination with a
12 score acceptable to the Board. A temporary license shall authorize
13 the applicant to practice chiropractic in Oklahoma between the
14 submission of the application and the applicant's approval for
15 licensure by the Board. A temporary license shall expire upon the
16 Board's approval of a permanent license or ten (10) calendar days
17 following the Board's denial of an application for a permanent
18 license.

19 B. Applicants for an original license to practice chiropractic
20 in this state shall submit to the Board of Chiropractic Examiners
21 documentary evidence of completion of:

22 1. A course of resident study of not less than four (4) years
23 of nine (9) months each in an accredited chiropractic college. A
24 senior student at an accredited chiropractic college may make

1 application for an original license by examination prior to
2 graduation, but such a license shall not be issued until documentary
3 evidence of the graduation of the student from the college has been
4 submitted to the Board;

5 2. Parts I, II, III, IV and physiotherapy as administered by
6 the National Board of Chiropractic Examiners with a passing score;
7 and

8 3. Passing a jurisprudence examination approved by the Board
9 with a score of seventy-five percent (75%) or better.

10 C. Each applicant shall be a graduate of an accredited
11 chiropractic college. For those graduating from a chiropractic
12 program outside the United States, the applicants must have
13 completed an educational program leading to a degree in chiropractic
14 from an institution authorized to operate by the government having
15 jurisdiction in which it is domiciled.

16 D. All credentials, diplomas, and other required documentation
17 in a foreign language submitted to the Board by such applicants
18 shall be accompanied by notarized English translations.

19 E. International applicants shall provide satisfactory evidence
20 of meeting the requirements for permanent residence or temporary
21 nonimmigrant status as set forth by the United States Citizenship
22 and Immigration Services.

23 F. Effective January 1, 2006, out-of-state licensed applicants
24 shall submit to the Board documentary evidence that the applicant

1 has malpractice insurance. New applicants shall submit to the Board
2 documentary evidence that the applicant has malpractice insurance
3 within six (6) months of obtaining their Oklahoma license.

4 G. An applicant for an original license shall:

5 1. Inform the Board as to whether the person has previously
6 been licensed in Oklahoma and whether the license was revoked or
7 surrendered;

8 2. Inform the Board as to whether the applicant has ever been
9 licensed in another jurisdiction and whether any disciplinary action
10 was taken against the applicant;

11 3. Provide full disclosure to the Board of any criminal
12 proceeding taken against the applicant including, but not limited
13 to, pleading guilty or nolo contendere to, receiving a deferred
14 sentence for, or being convicted of a felony crime that
15 substantially relates to the practice of chiropractic and poses a
16 reasonable threat to public safety; and

17 4. If requested, appear before the Board for a personal
18 interview.

19 H. No later than one (1) year after receiving a license to
20 practice in Oklahoma, chiropractic physicians shall complete an
21 orientation course of training approved by the Board. The
22 orientation course hours shall count as continuing education credits
23 for the year in which they were earned. An association may provide
24 the orientation course of training.

1 I. The Board may issue an original license to those applicants
2 who have passed the required examination with a score acceptable to
3 the Board and who meet all other requirements set forth by the
4 Board. No license fee shall be charged by the Board for the balance
5 of the calendar year in which such a license is issued.

6 J. In addition to an applicant's failure to meet any other
7 requirements imposed by this section or other applicable law, the
8 Board may deny a license or impose probationary conditions if an
9 applicant has:

10 1. Pleaded guilty or nolo contendere to, received a deferred
11 sentence for, or been convicted of a felony crime that substantially
12 relates to the practice of chiropractic and poses a reasonable
13 threat to public safety;

14 2. Been the subject of disciplinary action by the Board; or

15 3. Been the subject of disciplinary action in another
16 jurisdiction.

17 K. As used in this section:

18 1. "Substantially relates" means the nature of criminal conduct
19 for which the person was convicted has a direct bearing on the
20 fitness or ability to perform one or more of the duties or
21 responsibilities necessarily related to the occupation; and

22 2. "Poses a reasonable threat" means the nature of criminal
23 conduct for which the person was convicted involved an act or threat
24

1 of harm against another and has a bearing on the fitness or ability
2 to serve the public or work with others in the occupation.

3 SECTION 2. AMENDATORY 59 O.S. 2011, Section 161.9, as
4 last amended by Section 5, Chapter 213, O.S.L. 2019 (59 O.S. Supp.
5 2019, Section 161.9), is amended to read as follows:

6 Section 161.9. A. Applications for an original license by
7 relocation of practice to practice chiropractic in this state shall
8 be made to the Board of Chiropractic Examiners in writing on a form
9 and in a manner prescribed by the Board. The application shall be
10 accompanied by a fee of ~~Three Hundred Fifty Dollars (\$350.00)~~ Three
11 Hundred Dollars (\$300.00), which shall not be refundable under any
12 circumstances. If the application is disapproved by the Board, it
13 shall be returned to the applicant with the reason for its
14 disapproval fully stated in writing.

15 B. The Board may, in its discretion, issue an original license
16 by relocation to practice to an applicant who is currently licensed
17 to practice chiropractic in another state, country, territory or
18 province, upon the following conditions:

- 19 1. That the applicant is of good moral character;
- 20 2. That the requirements for licensure in the state, country,
21 territory or province in which the applicant is licensed are deemed
22 by the Board to be equivalent to the requirements for obtaining an
23 original license by examination in force in this state at the date
24 of such license;

1 3. That the applicant has no disciplinary matters pending
2 against him or her in any state, country, territory or province;

3 4. That the license of the applicant was obtained by
4 examination in the state, country, territory or province wherein it
5 was issued, or was obtained by examination of the National Board of
6 Chiropractic Examiners;

7 5. That the applicant passes a jurisprudence examination given
8 by the Board or the National Board of Chiropractic Examiners with a
9 minimum score of seventy-five percent (75%) or better; and

10 6. That the applicant meets all other requirements of the
11 Oklahoma Chiropractic Practice Act.

12 C. Any applicant requesting a license by relocation of practice
13 into Oklahoma shall:

14 1. Submit to the Board documentary evidence that the applicant
15 has been in active practice as a chiropractic physician three (3)
16 years immediately preceding the date of the application;

17 2. Provide full disclosure to the Board of any disciplinary
18 action taken against the applicant pursuant to licensure as a
19 chiropractic physician in any state pursuant to licensure and/or
20 criminal proceedings;

21 3. Provide full disclosure to the Board of any criminal
22 proceeding taken against the applicant in any jurisdiction
23 including, but not limited to:

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- 1 a. pleading guilty, pleading nolo contendere, receiving a
2 deferred sentence or being convicted of a felony,
3 b. pleading guilty, pleading nolo contendere, receiving a
4 deferred sentence or being convicted of a misdemeanor
5 involving moral turpitude, or
6 c. pleading guilty, pleading nolo contendere, receiving a
7 deferred sentence or being convicted of a violation of
8 federal or state controlled dangerous substance laws;

9 4. If requested, appear before the Board for a personal
10 interview; and

11 5. Pay an application fee to be set by rule of the Board.

12 D. The Board may authorize the Executive Director to issue a
13 temporary license to an applicant who has submitted a completed
14 application and has passed the required examination with a score
15 acceptable to the Board. A temporary license shall authorize the
16 applicant to practice chiropractic in Oklahoma between the
17 submission of the application and the applicant's approval for
18 licensure by the Board. A temporary license shall expire upon the
19 Board's approval of a permanent license or ten (10) calendar days
20 following the Board's denial of an application for a permanent
21 license.

22 E. No license fee shall be charged by the Board for the balance
23 of the calendar year in which such a license is issued.
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1 F. In addition to an applicant's failure to meet any other
2 requirements imposed by this section or other applicable law, the
3 Board may deny a license or impose probationary conditions if an
4 applicant has:

5 1. Pleading guilty, pleading nolo contendere, received a deferred
6 sentence or been convicted of a felony;

7 2. Pleading guilty, pleading nolo contendere, received a deferred
8 sentence or been convicted of a misdemeanor involving moral
9 turpitude;

10 3. Pleading guilty, pleading nolo contendere, received a deferred
11 sentence or been convicted of a violation of federal or state
12 controlled dangerous substance laws;

13 4. Been the subject of disciplinary action by the Board; or

14 5. Been the subject of disciplinary action in another
15 jurisdiction.

16 SECTION 3. This act shall become effective November 1, 2020.

17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
18 February 19, 2020 - DO PASS AS AMENDED

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