

An Act

ENROLLED SENATE
BILL NO. 387

By: Floyd of the Senate

and

Roberts (Sean) of the House

An Act relating to the Oklahoma Chiropractic Practice Act; amending 59 O.S. 2011, Section 161.2, which relates to scope of practice; clarifying certain condition; amending 59 O.S. 2011, Section 161.3, as amended by Section 1, Chapter 94, O.S.L. 2018 (59 O.S. Supp. 2018, Section 161.3), which relates to definitions; modifying definition; amending 59 O.S. 2011, Section 161.6, as last amended by Section 2, Chapter 94, O.S.L. 2018 (59 O.S. Supp. 2018, Section 161.6), which relates to powers of Board; modifying certain power; broadening certain authority of out-of-state licensed chiropractic physicians; amending 59 O.S. 2011, Section 161.7, as last amended by Section 3, Chapter 94, O.S.L. 2018 (59 O.S. Supp. 2018, Section 161.7), which relates to application for original license by examination; striking certain application requirement; transferring certain duty to Executive Director; providing for temporary license; amending 59 O.S. 2011, Section 161.9, as amended by Section 4, Chapter 94, O.S.L. 2018 (59 O.S. Supp. 2018, Section 161.9), which relates to application for original license by relocation of practice; reducing certain licensure requirement; setting forth provisions related to temporary license; amending 59 O.S. 2011, Section 161.11, as last amended by Section 30 of Enrolled Senate Bill No. 1041 of the 1st Session of the 57th Oklahoma Legislature (59 O.S. Supp. 2018, Section 161.11), which relates to annual renewal license; modifying fee amount; modifying date of suspension; updating term; amending 59 O.S. 2011, Section 161.12, which relates to penalties; adding certain penalty; repealing Section 1, Chapter 57,

O.S.L. 2018 (59 O.S. Supp. 2018, Section 161.11), which relates to annual renewal license; and providing an effective date.

SUBJECT: Practice of chiropractic

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 161.2, is amended to read as follows:

Section 161.2. A. Chiropractic is the science and art that teaches health in anatomic relation and disease or abnormality in anatomic disrelation, and includes hygienic, sanitary and therapeutic measures incident thereto in humans. The scope of practice of chiropractic shall include those diagnostic and treatment services and procedures which have been taught by an accredited chiropractic college and have been approved by the Board of Chiropractic Examiners.

B. A chiropractic physician may engage in the practice of animal chiropractic diagnosis and treatment if certified to do so by the Board. A licensed chiropractic physician may provide chiropractic treatment to an animal without being certified in animal chiropractic diagnosis and treatment by the Board if an animal has been referred to the chiropractic physician by a licensed veterinarian in writing.

SECTION 2. AMENDATORY 59 O.S. 2011, Section 161.3, as amended by Section 1, Chapter 94, O.S.L. 2018 (59 O.S. Supp. 2018, Section 161.3), is amended to read as follows:

Section 161.3. As used in the Oklahoma Chiropractic Practice Act, these words, phrases or terms, unless the context otherwise indicates, shall have the following meanings:

1. "Accredited chiropractic college" means a chiropractic educational institution which is accredited by an accrediting agency recognized by the U.S. Department of Education;

2. "Animal chiropractic diagnosis and treatment" means treatment that includes vertebral subluxation complex (vsc) and spinal manipulation of nonhuman vertebrates. The term "animal chiropractic diagnosis and treatment" shall not be construed to allow the:

- a. use of x-rays,
- b. performing of surgery,
- c. dispensing or administering of medications, or
- d. performance of traditional veterinary care;

3. "Applicant" means any person submitting an application for licensure to the Board;

4. "Board" means the Board of Chiropractic Examiners;

5. "Certified chiropractic assistant" means an unlicensed member of a chiropractic physician's team of healthcare workers who may assist a chiropractic physician in the performance of examination and therapeutic procedures and techniques necessary to deliver healthcare services to patients within the scope of chiropractic and has been certified by the Board;

6. "Chiropractic physician", "chiropractor", "doctor of chiropractic", "practitioner of chiropractic" and "licensee" are synonymous and mean a person holding an original license to practice chiropractic in this state;

7. "Examination" means the process used by the Board, prior to the issuance of an original license, to test the qualifications and knowledge of an applicant on any or all of the following: current statutes, rules or any of those subjects listed in Section 161.8 of this title;

8. "Intern" means a student at an accredited chiropractic college who is participating in the Chiropractic Undergraduate Preceptorship Program;

9. "Nonclinical" means of a business nature including, but not limited to, practice management, insurance information, and computer information. It shall also mean the discussion of philosophy as it relates to the performance of chiropractic;

10. "Original license" means a license granting initial authorization to practice chiropractic in this state issued by the Board to an applicant found by the Board to meet the licensing requirements of the Oklahoma Chiropractic Practice Act, by examination pursuant to Section 161.7 of this title, or by ~~reciprocity~~ relocation of practice pursuant to Section 161.9 of this title;

11. "Preceptor" means a chiropractic physician who is participating in the Chiropractic Undergraduate Preceptorship Program;

12. "Relocation of practice" means the recognition and approval by the Board, prior to the issuance of an original license, of the chiropractic licensing process in another state, country, territory or province; and

13. "Renewal license" means a license issued to a chiropractic physician by the Board, on or before the first day of July of each year, which authorizes such licensee to practice chiropractic in this state during the succeeding calendar year.

SECTION 3. AMENDATORY 59 O.S. 2011, Section 161.6, as last amended by Section 2, Chapter 94, O.S.L. 2018 (59 O.S. Supp. 2018, Section 161.6), is amended to read as follows:

Section 161.6. A. Pursuant to and in compliance with Article I of the Administrative Procedures Act, the Board of Chiropractic Examiners shall have the power to formulate, adopt and promulgate 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.

B. The Board is authorized and empowered to:

1. Establish and maintain a procedure or system for the certification or accreditation of chiropractic physicians who are

qualified in chiropractic post-doctorate Diplomate and all other chiropractic specialties;

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

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

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

5. Purchase office furniture, equipment and supplies;

6. ~~Employ, direct, reimburse, evaluate, and dismiss such office personnel, as may be necessary, in accordance with state procedures~~ an Executive Director who shall serve as the Chief Administrative Officer of the agency. The Executive Director shall have the authority to employ other persons as necessary to maintain the operations of the Board and shall perform such other duties as the Board may prescribe;

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

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

9. Employ or contract with one or more investigators, as needed, for the sole purpose of investigating written complaints regarding the conduct of chiropractic physicians, and fix and pay

their salaries or wages. Any investigator shall be certified as a peace officer by the Council on Law Enforcement Education and Training and shall have statewide jurisdiction to perform the duties authorized by this section;

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

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

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

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

14. Establish policies for Board operations;

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

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

17. Require applicants for an original license to submit to a national criminal history record check pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes. The costs associated with the national criminal history record check shall be paid directly by the applicant;

18. Out-of-state licensed chiropractic physicians may travel into Oklahoma to treat patients for special events including, but not limited to, sporting events and state emergencies, and to assist in treating patients for those chiropractic physicians who are unable to practice for medical reasons within the borders of

Oklahoma after properly registering with the Board of Chiropractic Examiners; and

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

C. The Board shall promulgate rules regarding continuing education seminars or courses or license renewal seminars or courses including, but not limited to, the qualifications of an applicant, association or entity seeking to sponsor a seminar or course, where the association or entity is domiciled, whether the association or entity is classified as a nonprofit organization, and the educational experience of instructors applying to conduct a seminar or course. The Board shall also promulgate rules regarding certified chiropractic assistants.

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

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

2. The Advisory Committee shall be selected from a list of ten chiropractic physicians and three lay persons submitted by each chiropractic association or society in this state or any unaffiliated chiropractic physician desiring to submit a list. The term of service for members of the Advisory Committee shall be determined by the Board. Members of the Advisory Committee shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

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

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

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

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

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

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

H. The forfeiture, nonrenewal, surrender or voluntary relinquishment of a license by a licensee shall not bar jurisdiction by the Board to proceed with any investigation, action or proceeding to revoke, suspend, condition or limit the licensee's license or fine the licensee.

SECTION 4. AMENDATORY 59 O.S. 2011, Section 161.7, as last amended by Section 3, Chapter 94, O.S.L. 2018 (59 O.S. Supp. 2018, Section 161.7), is amended to read as follows:

Section 161.7. A. 1. Applications for an original license by examination to practice chiropractic in this state shall be made to the Board of Chiropractic Examiners in writing on a form and in a manner prescribed by the Board. ~~The application shall be supported by the affidavits of two persons who hold a valid license to practice chiropractic in this state or in another state, country, territory or province, and who are not related to or under financial obligations to the applicant, showing the applicant to be a person of good moral character.~~

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

3. If the application is disapproved by the Board, the applicant shall be so notified by the ~~secretary-treasurer of the Board~~ Executive Director, with the reason for such disapproval fully stated in writing.

4. If the application is approved, the applicant, upon payment of an examination fee of One Hundred Seventy-five Dollars (\$175.00), may take an examination administered by the Board for the purpose of securing an original license. The Board may accept a passing score on an examination administered by the National Board of Chiropractic

Examiners taken by the applicant, or may require the applicant to take an examination administered by the Board or both.

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

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

1. A course of resident study of not less than four (4) years of nine (9) months each in an accredited chiropractic college. A senior student at an accredited chiropractic college may make application for an original license by examination prior to graduation, but such a license shall not be issued until documentary evidence of the graduation of the student from the college has been submitted to the Board;

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

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

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

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

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

F. Effective January 1, 2006, out-of-state licensed applicants shall submit to the Board documentary evidence that the applicant has malpractice insurance. New applicants shall submit to the Board documentary evidence that the applicant has malpractice insurance within six (6) months of obtaining their Oklahoma license.

G. An applicant for an original license shall:

1. Be a person of good moral character;

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

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

4. Provide full disclosure to the Board of any criminal proceeding taken against the applicant including, but not limited to:

a. pleading guilty, pleading nolo contendere, receiving a deferred sentence or being convicted of a felony,

b. pleading guilty, pleading nolo contendere, receiving a deferred sentence or being convicted of a misdemeanor involving moral turpitude, or

c. pleading guilty, pleading nolo contendere, receiving a deferred sentence or being convicted of a violation of federal or state controlled dangerous substance laws; and

5. If requested, appear before the Board for a personal interview.

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

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

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

1. Pleaded guilty, pleaded nolo contendere, received a deferred sentence or been convicted of a felony;

2. Pleaded guilty, pleaded nolo contendere, received a deferred sentence or been convicted of a misdemeanor involving moral turpitude;

3. Pleaded guilty, pleaded nolo contendere, received a deferred sentence or been convicted of a violation of federal or state controlled dangerous substance laws;

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

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

SECTION 5. AMENDATORY 59 O.S. 2011, Section 161.9, as amended by Section 4, Chapter 94, O.S.L. 2018 (59 O.S. Supp. 2018, Section 161.9), is amended to read as follows:

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

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

1. That the applicant is of good moral character;

2. That the requirements for licensure in the state, country, territory or province in which the applicant is licensed are deemed by the Board to be equivalent to the requirements for obtaining an original license by examination in force in this state at the date of such license;

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

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

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

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

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

1. Submit to the Board documentary evidence that the applicant has been in active practice as a chiropractic physician ~~five (5)~~ three (3) years immediately preceding the date of the application;

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

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

- a. pleading guilty, pleading nolo contendere, receiving a deferred sentence or being convicted of a felony,
- b. pleading guilty, pleading nolo contendere, receiving a deferred sentence or being convicted of a misdemeanor involving moral turpitude, or
- c. pleading guilty, pleading nolo contendere, receiving a deferred sentence or being convicted of a violation of federal or state controlled dangerous substance laws;

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

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

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

E. No license fee shall be charged by the Board for the balance of the calendar year in which such a license is issued.

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

1. Pleaded guilty, pleaded nolo contendere, received a deferred sentence or been convicted of a felony;

2. Pleaded guilty, pleaded nolo contendere, received a deferred sentence or been convicted of a misdemeanor involving moral turpitude;

3. Pleaded guilty, pleaded nolo contendere, received a deferred sentence or been convicted of a violation of federal or state controlled dangerous substance laws;

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

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

SECTION 6. AMENDATORY 59 O.S. 2011, Section 161.11, as last amended by Section 30 of Enrolled Senate Bill No. 1041 of the 1st Session of the 57th Oklahoma Legislature (59 O.S. Supp. 2018, Section 161.11), is amended to read as follows:

Section 161.11. A. 1. Beginning January 1, 2005:

- a. a person holding an original license and who is actively engaged in the practice of chiropractic in this state shall pay to the Board of Chiropractic Examiners, on or before July 1 of each year, a renewal license fee of Two Hundred Seventy-five Dollars (\$275.00),
- b. an inactive nonresident holding an original license to practice chiropractic in Oklahoma and who has filed a statement with the Board that the licensee is not actively engaged in the practice of chiropractic in this state and shall not engage in the practice of chiropractic in this state during the succeeding year,

shall pay to the Board, on or before July 1 of each year, a renewal license fee of One Hundred Seventy-five Dollars (\$175.00),

- c. an inactive resident holding an original license to practice chiropractic in Oklahoma, and who has filed, or on whose behalf has been filed, a statement with the Board that because of illness, infirmity, active military service or other circumstances as approved by the Board, the licensee is unable to actively engage in the practice of chiropractic during the succeeding year, shall pay to the Board a renewal license fee of One Hundred Dollars (\$100.00), and
- d. a person holding an original license, but who is sixty-five (65) years of age or older and who has filed a statement with the Board that the licensee is not actively engaged in the practice of chiropractic in this state and shall not engage in the practice of chiropractic in this state during the succeeding year, shall pay to the Board a renewal licensee fee of Fifty Dollars (\$50.00).

2. In addition, each licensee shall present to the Board satisfactory evidence that during the preceding twelve (12) months the licensee attended sixteen (16) hours of continuing education that meets the requirements of Section 161.10a of this title, provided that inactive resident licensees may, at the discretion of the Board, be exempt from this requirement.

3. Every chiropractic physician who is actively engaged in the practice of chiropractic in this state shall submit to the Board documentary evidence that the chiropractor has malpractice insurance and maintains such insurance twelve (12) months of each year when practicing in this state. Any licensee who is not actively engaged in practice in this state, shall be exempt from providing proof of malpractice insurance.

B. Subject to the laws of this state applicable to professional licenses and rules promulgated pursuant to the Oklahoma Chiropractic Practice Act, the Board shall, upon determination that a licensee has complied with the requirements of this section and the duly

promulgated rules of the Board, issue a renewal license to ~~said~~ the licensee.

C. The failure of a licensee to properly renew a license or certificate shall be evidence of noncompliance with the Oklahoma Chiropractic Practice Act.

1. The license shall automatically be placed in a lapsed status for failure to renew and shall be considered lapsed and not in good standing for purposes of the practice of chiropractic.

2. If within sixty (60) calendar days after July 1, the licensee cures any renewal requirement deficiency, pays the renewal fee and pays a reinstatement fee set by the Board, the license may be reactivated.

3. If a license is not reactivated under this subsection within sixty (60) calendar days after July 1, the license shall automatically be suspended for failure to renew.

4. The practice of chiropractic is prohibited unless the license is active and in good standing with the Board.

D. When an original license or renewal license, or both, have been suspended under the provisions of this section, the license or licenses may be reinstated upon:

1. Payment of a reinstatement fee in an amount fixed by the Board not to exceed Four Hundred Dollars (\$400.00);

2. Payment of the renewal license fee for the calendar year in which the original license is reinstated; and

3. Presentation to the Board of satisfactory evidence of compliance with the continuing education requirement of this section for the calendar year in which the original license is reinstated.

E. The Board, by rule, may establish guidelines for the disposition of disciplinary cases involving specific types of violations. The guidelines may include, but are not limited to:

1. Minimum and maximum administrative fines;

2. Periods of suspension, probation or supervision;
3. Terms and conditions of probation; and
4. Terms and conditions for the reinstatement of an original license or renewal license, or both.

F. The license of a chiropractic physician who is not compliant with Oklahoma income tax law pursuant to Section 238.1 of Title 68 of the Oklahoma Statutes shall not be renewed. Such license shall be automatically suspended ~~at the date of renewal~~ as of July 1 of the renewal year and shall remain suspended until the Board receives notice from the Oklahoma Tax Commission that the licensee has come into compliance with Oklahoma income tax law. A physician whose license is suspended under this subsection shall pay a reinstatement fee in an amount fixed by the Board but not to exceed Four Hundred Dollars (\$400.00).

SECTION 7. AMENDATORY 59 O.S. 2011, Section 161.12, is amended to read as follows:

Section 161.12. A. The Board of Chiropractic Examiners is authorized, after notice and an opportunity for a hearing pursuant to Article II of the Administrative Procedures Act, to issue an order imposing one or more of the following penalties whenever the Board finds, by clear and convincing evidence, that a chiropractic physician has committed any of the acts or occurrences set forth in subsection B of this section:

1. Disapproval of an application for a renewal license;
2. Revocation or suspension of an original license or renewal license, or both;
3. Restriction of the practice of a chiropractic physician under such terms and conditions as deemed appropriate by the Board;
4. An administrative fine not to exceed One Thousand Dollars (\$1,000.00) for each count or separate violation;
5. A censure or reprimand; ~~and~~

6. Placement of a chiropractic physician on probation for a period of time and under such terms and conditions as the Board may specify, including requiring the chiropractic physician to submit to treatment, to attend continuing education courses, to submit to reexamination, or to work under the supervision of another chiropractic physician; and

7. The assessment of costs expended by the Board in investigating and prosecuting a violation. The costs may include, but are not limited to, staff time, salary and travel expenses, witness fees and attorney fees, and shall be considered part of the order of the Board.

B. The following acts or occurrences by a chiropractic physician shall constitute grounds for which the penalties specified in subsection A of this section may be imposed by order of the Board:

1. Pleading guilty or nolo contendere to, or being convicted of, a felony, a misdemeanor involving moral turpitude, or a violation of federal or state controlled dangerous substances laws. A copy of the judgment and sentence of the conviction, duly certified by the clerk of the court in which the conviction was obtained, and a certificate of the clerk that the conviction has become final, shall be sufficient evidence for the imposition of a penalty;

2. Being habitually drunk or habitually using habit-forming drugs;

3. Using advertising in which statements are made that are fraudulent, deceitful or misleading to the public;

4. Aiding or abetting any person not licensed to practice chiropractic in this state to practice chiropractic, except students who are regularly enrolled in an accredited chiropractic college;

5. Performing or attempting to perform major or minor surgery in this state, or using electricity in any form for surgical purposes, including cauterization;

6. Using or having in a chiropractic physician's possession any instrument for treatment purposes, the use or possession of which has been prohibited or declared unlawful by any agency of the United States or the State of Oklahoma;

7. Unlawfully possessing, prescribing or administering any drug, medicine, serum or vaccine. This section shall not prevent a chiropractic physician from possessing, prescribing or administering, by a needle or otherwise, vitamins, minerals or nutritional supplements, or from practicing within the scope of the science and art of chiropractic as defined in Section 161.2 of this title;

8. Advertising or displaying, directly or indirectly, any certificate, diploma or other document which conveys or implies information that the person is skilled in any healing art other than chiropractic unless the chiropractic physician also possesses a valid current license in said healing art;

9. Obtaining an original license or renewal license in a fraudulent manner;

10. Violating any provision of the Unfair Claims Settlement Practices Act or any rule promulgated pursuant thereto;

11. Willfully aiding or assisting an insurer, as defined in Section 1250.2 of Title 36 of the Oklahoma Statutes, or an administrator, as defined in Section 1442 of Title 36 of the Oklahoma Statutes, to deny claims which under the terms of the insurance contract are covered services and are medically necessary;

12. Violating any provision of the Oklahoma Chiropractic Practice Act; or

13. Violating any of the rules of the Board.

C. Any chiropractic physician against whom a penalty is imposed by an order of the Board under the provisions of this section shall have the right to seek a judicial review of the order pursuant to Article II of the Administrative Procedures Act.

D. The Board is authorized to issue a confidential letter of concern to a chiropractic physician when, though evidence does not warrant initiation of an individual proceeding, the Board has noted indications of possible errant conduct by the chiropractic physician that could lead to serious consequences and formal action by the Board.

E. If no order imposing a penalty against a chiropractic physician is issued by the Board within three (3) years after a complaint against the chiropractic physician is received by the Board, the complaint and all related documents shall be expunged from the records of the Board.

SECTION 8. REPEALER Section 1, Chapter 57, O.S.L. 2018 (59 O.S. Supp. 2018, Section 161.11), is hereby repealed.

SECTION 9. This act shall become effective November 1, 2019.

Passed the Senate the 26th day of February, 2019.

Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of April, 2019.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____