

An Act

ENROLLED SENATE
BILL NO. 49

By: Floyd of the Senate

and

Osburn of the House

An Act relating to chiropractic; amending 59 O.S. 2011, Section 161.7, as last amended by Section 8, Chapter 363, O.S.L. 2019 (59 O.S. Supp. 2020, Section 161.7), which relates to application for original license by examination; modifying application fee; eliminating examination fee; amending 59 O.S. 2011, Section 161.9, as last amended by Section 5, Chapter 213, O.S.L. 2019 (59 O.S. Supp. 2020, Section 161.9), which relates to application for original license by relocation of practice; modifying application fee; broadening entities who may administer examination; and providing an effective date.

SUBJECT: Chiropractic

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 161.7, as last amended by Section 8, Chapter 363, O.S.L. 2019 (59 O.S. Supp. 2020, 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.

2. The application shall be accompanied by a fee of ~~One Hundred Seventy five Dollars (\$175.00)~~ Three Hundred Dollars (\$300.00), 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 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. Inform the Board as to whether the person has previously been licensed in Oklahoma and whether the license was revoked or surrendered;

2. 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;

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

4. 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 or nolo contendere to, received a deferred sentence for, or been convicted of a felony crime that substantially relates to the practice of chiropractic and poses a reasonable threat to public safety;
2. Been the subject of disciplinary action by the Board; or
3. Been the subject of disciplinary action in another jurisdiction.

K. As used in this section:

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

2. "Poses a reasonable threat" means the nature of criminal conduct for which the person was convicted involved an act or threat of harm against another and has a bearing on the fitness or ability to serve the public or work with others in the occupation.

SECTION 2. AMENDATORY 59 O.S. 2011, Section 161.9, as last amended by Section 5, Chapter 213, O.S.L. 2019 (59 O.S. Supp. 2020, 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)~~ Three Hundred Dollars (\$300.00), 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 or the National Board of Chiropractic Examiners 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 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.

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 3. This act shall become effective November 1, 2021.

Passed the Senate the 1st day of March, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the 15th day of April, 2021.

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: _____