An Act

ENROLLED SENATE
BILL NO. 299

By: Jolley of the Senate

and

Enns of the House

An Act relating to investigations of licensed chiropractors; amending 59 O.S. 2001, Section 161.6, as last amended by Section 1, Chapter 362, O.S.L. 2009 (59 O.S. Supp. 2010, Section 161.6), which relates to the Board of Chiropractic Examiners; modifying duties of the Board of Chiropractic Examiners; providing for certain investigation; providing for utilization of certain investigator; providing for review of findings by Advisory Committee; directing the Board of Chiropractic Examiners to promulgate certain rules; limiting certain penalties; and providing an effective date.

SUBJECT: Oklahoma Chiropractic Practice Act

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 161.6, as last amended by Section 1, Chapter 362, O.S.L. 2009 (59 O.S. Supp. 2010, 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;

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 <u>or contract with</u> 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. Assess chiropractic applicants the cost for a criminal background check. The criminal background checks required by this section shall follow the requirements of Section 1-1950.1 of Title 63 of the Oklahoma Statutes;

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 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.

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 Advisory Committee specified in subsection D of this section shall meet and determine whether the complaint merits further investigation. The focus and scope of an investigation shall pertain only to the subject of the complaint.

2. The Advisory Committee may utilize the services of an investigator employed or contracted by the Board pursuant to this section. An investigator shall have the authority to investigate a complaint only upon directive of a simple majority of the Advisory Committee or the chair of the Advisory Committee.

3. The findings of the investigator shall be presented to the Advisory Committee. The Advisory Committee shall review and determine whether the findings of the investigator and/or the Advisory Committee shall be presented to the Board for possible further action.

F. 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.

SECTION 2. This act shall become effective November 1, 2011.

Passed the Senate the 10th day of May, 2011.

Presiding Officer of the Senate

Passed the House of Representatives the 21st day of April, 2011.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 11th

day of May, 20 11,

at 1:09 o'clock P M.

By: Jerin R Rogers

Approved by the Governor of the State of Oklahoma the 17th day of

May, 20 11, at 3:13 o'clock P M.

Mary Fallin

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

17th day of May, 20 11,

at 4:25 o'clock P M.

By: Michelle R Day