

**Part II**  
**TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS**

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## CHAPTER 1. ADMINISTRATIVE ORGANIZATION AND OPERATIONS

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[Authority: 75 O.S., § 302; 59 O.S., § 161.6]

## SUBCHAPTER 1. GENERAL PROVISIONS

## Section

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**140:1-1-1. Purpose**

The purpose of this Chapter is to:

- (1) provide a description of organization of the Board, the general course of conduct and method of the operations of the Board, and the methods whereby the public may obtain information or make submissions or requests;
- (2) set forth the nature and requirements of certain formal and informal procedures available;
- (3) prescribe the form for petitions by interested persons who request the promulgation, amendments or repeal of a rule by the Board, and the procedure for their submission, consideration and disposition; and
- (4) provide for the filing and prompt disposition of petitions for declaratory ruling by the Board as to the applicability of any rule or order of the Board; as required by the APA-Administrative Procedures Act

**140:1-1-2. Definitions**

The following words and terms when used in the is Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Accredited Chiropractic College"** means a chiropractic educational institution, which is accredited by the Commission on Accreditation of the Council on Chiropractic Education or its successor.

**"Act"** means the Oklahoma Chiropractic Practice Act, 59 O.S. 1991, §§161.1 et seq.

**"APA"** means the Oklahoma Administrative Procedures Act, 75 O.S.1991, §§ 250 et seq.

**"Advisory Committee"** means the committee appointed by the Board to advise and assist the Board in the investigation of the qualifications for licensure, complaints as to the conduct of chiropractic physicians, and for such other matters as the Board delegate to them.

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

**"Board"** means the Board of Chiropractic Examiners.

**"Chiropractic"** means 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.

**"Chiropractic physician"** or **"licensee"** means a person who holds an original license to practice chiropractic in this state.

**"Continuing education requirements"** means attendance by a licensee at a minimum of (16) sixteen hours\_of Chiropractic education seminars as required for a renewal license.

**"Emergency meeting"** means a meeting of the board, which is called pursuant to the Open Meeting Act based upon exigent circumstances, which require expedited attention, by the board to the matters concerned.

**"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 the Act.

**"Executive Director"** means the Executive Director of the Board.

**"Final order"** means on order made by the Board pursuant to the APA and which is subject to judicial review.

**"Individual proceeding"** means the formal process employed by the Board to provide a hearing for a licensee of the Board to provide a hearing for the licensee of the Board accused of a violation of the Act and in which the Board may take action against such person's original license to practice chiropractic in this state

**"Licensure"** means the Board's process with respect to the grant, denial, renewal, revocation, or suspension of an original or renewal license.

**"OAC"** means the Oklahoma Administrative Code.

**"Order"** means a formal or official decision of the Board including, but not limited to, final orders.

**"Original license"** means a license which grants initial authorization to practice chiropractic in this state issued by the Board to an applicant found by the Board to meet the requirements for licensure of the Act,

(A) by examination pursuant to § 161.7 and 161.8 of the Act and 140:10-3-1 through 140:10-3-4; or

(B) by relocation of practice pursuant to § 161.9 of the Act and 140:10-3-5.

**"Party"** means a person or agency named and participating or properly seeking and entitled by law to participate in an individual proceeding.

**"Person"** means any individual, association, governmental subdivision, or public or private organization of any character other than an agency.

**"Regular meetings"** means regular meetings of the Board held at such times and places as scheduled by the Board and includes continued and reconvened meetings as may be allowed pursuant to the Open Meetings Act. Provided, however, that continued and reconvened meetings shall be as limited by the Open Meeting Act.

**"Relocation of Practice"** means the ability for an applicant to obtain a chiropractic license on the following conditions:

(A) The applicant is of good moral character;

(B) The applicant shall submit documentary evidence that they have been in active practice for five (5) years immediately preceding the date of application;

(C) The applicant has had no disciplinary action pending against their license in any other state, country or province;

(D) The licensee requesting relocation of practice shall comply with the jurisprudence assessment examination administered by the Board of Chiropractic Examiners of this state.

(E) The applicant may be requested to appear before the Board for a personal interview, and;

(F) The applicant shall meet all other requirements set forth in the Oklahoma Chiropractic Practice Act.

**"Renewal license"** means a license issued by the Board on or before the first day of January of each year to a licensee, which authorizes the licensee to practice chiropractic in this state for the succeeding calendar year.

**"Revocation"** means the recalling, annulling or rendering inoperative of an original license or renewal license, or both, by the Board, after notice and an opportunity for a hearing in an individual proceeding.

**"Rule or rules"** means the rules of the Board promulgated pursuant to the APA or its successor statutes.

**"Rule-making"** means the process employed by the Board for the promulgation of a rule.

**"Scope of practice"** means 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. Such diagnostic and treatment services and procedures shall include the following: Chiropractic physicians may examine, analyze and diagnose the human body to correct, relieve or prevent diseases and abnormalities by the use of any physical, chemical, electrical, or thermal method; use or order diagnostic radiological imaging; use or order laboratory testing; and use any other method of examination for diagnosis and analysis taught by an accredited chiropractic college and approved by the Board of Chiropractic Examiners. In addition, Chiropractic physicians may adjust, manipulate and treat the human body by manual, mechanical, chemical, electrical, or natural methods; by the use of physiotherapy; meridian therapy; by utilizing hygienic, sanitary and therapeutic measures; by the administration of naturopathic and homeopathic remedies, by the application of first aid or by performing any other treatment taught by an accredited chiropractic college and approved by the Board of Chiropractic Examiners. Nothing in this rule shall permit a Chiropractic Physician to prescribe legend drugs, beyond injectable nutrients, as is currently the law in Title 59 Section 161.12 of the Oklahoma Statutes.

**"Secretary-Treasurer"** means the Secretary-Treasurer of the Board.

**"Special meeting"** means all meetings of the Board other than regular or emergency meetings.

**"Suspension"** means temporary discontinuance or cessation, with an expectation of reinstatement, of an original license or renewal license, or both, by the Board after notice and an opportunity for a hearing as required in an individual proceeding.

#### 140:1-1-3 Gender

As used in this Title, the masculine gender shall be deemed to include the feminine statute.

#### 140:1-1-4 Statutory citations

Citations to statutes in this Chapter refer to the most recent codification of the statute.

#### 140:1-1-5. STATE ASSOCIATIONS

All state chiropractic associations shall annually submit to the Board the names of their current officers within sixty (60) days of election of the officers by the association, and shall designate which officers shall represent the association at all Board meetings. Only those officers designated by the association as its representatives and those employees of the association holding written authorization signed by the association chairman will be allowed to represent the official views, opinions, and desires of the association at the Board meetings. The association may designate up to three (3) officers as representatives.

## SUBCHAPTER 3. BOARD PURPOSE AND ORGANIZATION

**Section**

140:1-3-1.	Purpose of Board
140:1-3-2.	Meetings of the Board
140:1-3-3.	Election of Board officers
140:1-3-4.	Bonds
140:1-3-5.	Objective of Board
140:1-3-6.	Requests for information
140:1-3-7.	Duties of the President
140:1-3-8.	Duties of the Vice-President
140:1-3-9.	Duties of the Secretary-Treasurer
140:1-3-10.	Forms and instructions

**140:1-3-1 Purpose of Board**

The purpose of the Board shall be to regulate the practice of chiropractic in this state, as provided in the Act and to implement, administer, and enforce the provisions of the Act.

**140:1-3-2 Meeting of the Board**

- (a) All meetings of the Board shall be conducted in compliance with the Oklahoma Open Meetings Act, 25 O.S.1991, §§330, et seq. The Board shall cause advance public notice of the date, time and place of each meeting to be convened as well as provide an agenda of all matters to be considered.
- (b) The Board shall hold regular meetings at least once each quarter at a time and place determined by the Board and for which notice has been properly given to the Secretary of State pursuant to the Oklahoma Open Meetings Act.
- (c) The Board may hold such special meetings, emergency meetings, or continued or reconvened meetings as found by the Board to be expedient, necessary or proper.
- (d) All actions of the Board shall be kept in the form of written minutes, which shall be an official summary of the actions and which shall show clearly those members present and absent, all matters considered by the Board, and all action taken by the Board. In the written minutes of an emergency meeting, the nature of the emergency and all actions which occurred at such meeting, including the reason or reasons for declaring such emergency meeting, shall be included.
- (e) The minutes of each meeting, except for minutes of any proper executive or closed session, shall be open to public inspection and shall reflect the manner and time public notice of the meeting was provided as required by the Oklahoma Open Meeting Act.

**140:1-3-3 Election of Board officers**

The Board shall organize annually at the first meeting of the Board during the fiscal year by electing from among its members a President, a Vice-President and a Secretary-Treasurer.

**140:1-3-4 Bonds**

All members of the Board, where required by law, and such employees as determined by the Board, shall be bonded as required by Section 85.26 through 85.31 of Title 74 of the Oklahoma Statutes.

**140:1-3-5 Objective of Board**

It shall be the objective of the Board to foster higher professional standards within the practice of chiropractic in this state, consistent with the best interests of the health, welfare, and safety of the public.

**140:1-3-6 Requests for information**

- (a) The Board shall act at all time in accordance with the provisions of the Oklahoma Open Records Act, 51 O.S. 1991, Subsection 24A.1 et seq., as amended.
- (b) The public may obtain information relative to the Board by submitting written, telephonic, facsimile or other form of request to the Executive Director or his/her designee. All public records shall be available for inspection and copying during normal business hours to receive and, where appropriate, act upon requests for record review and copying.
- (c) All records of the Board shall be public unless protected by a mandatory or permissive privilege of confidentiality. The Executive Director of the Board shall determine whether or not disclosure is made.
- (d) In the event any request for a record which contains individual records of persons is solely for commercial purposes or clearly would cause excessive disruption to the public body's essential function, there shall be an additional charge computed and assessed based on the cost of personnel necessary to accomplish the copying and basis for a document search.

**140:1-3-7 Duties of President**

The duties of the President of the Board shall be to:

- (1) preside at meetings of the Board;
- (2) supervise the preparation of the agenda of each Board meeting;
- (3) sign Board orders and other required documents;
- (4) coordinate Board activities; and
- (5) perform such other duties as are prescribed in the Act or by the Board.

**140:1-3-8 Duties of the Vice-President**

The duties of the Vice-President of the Board shall be to:

- (1) perform the duties of the President during the President's absence; and
- (2) perform such other duties as are prescribed in the Act or by the Board.

**140:1-3-9. Duties of the Secretary-Treasurer**

The duties of the Secretary-Treasurer of the Board shall be to:

- (1) supervise office personnel employed by the Board;
- (2) oversee the administrative functions of the Board's administrative office; and
- (3) submit a full itemized report at the first regular meeting of the Board after the end of each fiscal year of receipts and disbursements for the prior fiscal year, showing the amount of funds available.

**140:1-3-10. Forms and instructions**

- (a) The Board shall cause to be created appropriate forms and instruction related to chiropractic licensure, renewal, continuing education requirements, and such other matters as deemed necessary by the Board.
- (b) Forms and instructions of the Board shall be maintained at the Offices of the Board and shall be available to any person upon request.

**SUBCHAPTER 5. PROCEDURES****Section**

140:1-5-1.	Scope and application
140:1-5-2.	Rule-making procedures
140:1-5-3.	Filing of rules
140:1-5-4.	Effective date
140:1-5-5.	Petitions for rule-making
140:1-5-6.	Board member not to communicate [REVOKED]
140:1-5-7.	Procedures for complaints against licensees [REVOKED]
140:1-5-8.	Disciplinary action [REVOKED]
140:1-5-9.	Discovery [REVOKED]
140:1-5-10.	Disqualifications of Board member in individual proceedings [REVOKED]
140:1-5-11.	Rehearing, reopening, or reconsideration of Board decision [REVOKED]
140:1-5-12.	Final orders; judicial review [REVOKED]
140:1-5-13.	Petitions for declaratory rulings [REVOKED]
140:1-5-14.	Conduct of hearings [REVOKED]
140:1-5-15.	Evidentiary considerations in individual proceedings [REVOKED]
140:1-5-16.	Proposed orders [REVOKED]
140:1-5-17.	Final order contents [REVOKED]
140:1-5-18.	Forms [REVOKED]

**140:1-5-1. Scope and application**

The Subchapter describes procedures of the Board on rulemaking, including the procedure for submission, consideration and disposition of petitions requesting the promulgation, amendment or repeal of a rule, as required by Article I of the APA.

**140:1-5-2. Rule-making procedures**

The Board shall follow the procedures set forth in Article I of the APA for the adoption, amendment, or repeal of any rule.

**140:1-5-3. Filing of rules**

Copies of all rules adopted by the Board shall be filed by the Secretary-Treasurer with the appropriate executive and legislative officers of this state pursuant to Article I of the APA.

**140:1-5-5. Petitions for rule-making**

- (a) Any interested person may petition the Board in writing to promulgate, amend or repeal a rule.
- (b) The Board shall maintain a permanent docket concerning petitions for the promulgation, amendment or repeal of a rule. At the time such a petition is filed, it shall be numbered, and the number of the petition, the date filing, the designation of the action sought, and the name and address of the person who filed the petition shall be shown. The Address shall include the city, state or post office box and zip code.
- (c) The petition must be filed with the Board in duplicate and shall be typewritten, except as may be waived by the Board upon written request.
- (d) The petition shall contain the following information as applicable and except as may be waived by the Board:
  - (1) A statement of the legal authority and jurisdiction under which the petition is filed;
  - (2) The exact language of the proposed rule, amendment, or repeal request;
  - (3) A statement and legal references which show that the requested rule, amendment or repeal is not in conflict with any existing rule, ruling, order or opinion of the Board or any policy or provision of the Act or APA, or that any earlier rule, ruling, order or opinion should be set aside or modified;
  - (4) A statement of the purpose of the requested rule, amendment or repeal and at least one example or fact, amendment or repeal and at least one example or fact situation to which the rule, amendment or repeal will apply; and
  - (5) The name and address of the person who requested the rule, amendment or repeal. In the even the request is made by an association, the request shall also include the name and address of a contact person at said association who is able to provide meaningful information related to the request.
- (e) The petition shall be submitted for study for a maximum period of ninety (90) days.
- (f) The Board, on its own motion or upon the request of any other interested party, may require any petitioner to provide additional information, as may be specified by the Board, for use in the Board's consideration and disposition of a petition. The failure of a petitioner to provide additional requested information shall constitute grounds for the Board to take no action on a petition.
- (g) Upon completion of the study period, the Board during a regular or special meeting shall meet to consider the merits and proper disposition of the petition. Not less than ten (10) days prior to such meeting, the Secretary-Treasurer shall notify the petitioner in writing of the date, time and place such petition shall be considered, and the Board may request petitioner's presence for purposes of argument or submission of other information related to the petition.
- (h) At the time and place designated for the public hearing, proponents and opponents of the proposed rule, amendment or repeal of a rule may be heard in the manner and order set forth by the Board at that time.
- (i) At the conclusion of the public hearing, the Board shall render its decision on the petition.
- (j) Dissatisfied parties may request a rehearing, reopening or reconsideration within ten (10) days from the date action by the Board in the manner allowed by the APA at 75 O.S. 1991, §317, or its successor statute.

**140:1-5-6. Board members not to communicate**  
[REVOKED]

**140:1-5-7. Procedures for complaints against licensees**  
[REVOKED]

**140:1-5-8. Disciplinary action**  
[REVOKED]

**140:1-5-9. Discovery**  
[REVOKED]

**140:1-5-10. Disqualification of Board member in individual proceedings**  
[REVOKED]

**140:1-5-11. Rehearing, reopening, or reconsideration of Board decision**  
[REVOKED]

**140:1-5-12. Final orders; judicial review**  
[REVOKED]

**140:1-5-13. Petition for declaratory rulings**  
[REVOKED]

- 140:1-5-14 Conduct of hearings  
[REVOKED]
- 140:1-5-15 Evidentiary consideration in individual proceedings  
[REVOKED]
- 140:1-5-16 Proposed orders  
[REVOKED]
- 140:1-5-17 Final order contents  
[REVOKED]
- 140:1-5-18 Forms  
[REVOKED]

**SUBCHAPTER 7. DECLARATORY RULINGS**

**Section**

- 140:1-7-1. Scope and application
- 140:1-7-2. Petitions for declaratory rulings

**140:1-7-1. Scope and application**

This Subchapter describes the procedures of the Board related to the filing and deposition of petitions for declaratory ruling, as required b Article I of the APA.

**140:1-7-2. Petitions for declaratory rulings**

- (a) Any person who desired a ruling as to the application of any rule or order of the Board may file a petition with the Executive Secretary, in writing, to request such ruling.
- (b) Unless the Board request a formal or informal opinion of the Attorney General, the Board shall, within sixty (60) days after receipt of the petition and during its next regular or special meeting, issue its declaratory ruling on the matter. The declaratory ruling shall consist of:
  - (1) a restatement of the question posed in the petition;
  - (2) an answer to the question posed in the petition;
  - (3) the reason or reasons for the answer given.
- (c) A copy of the each declaratory ruling shall be mailed to the person who requested the declaratory ruling immediately after its issuance by the Board.
- (d) Copies of all declaratory rulings shall be placed in the permanent file at the offices of the Board for public inspection, copying and/or mechanical reproduction during regular business hours.

**CHAPTER 3. DISCIPLINARY PROCEDURES**

**Subchapter**

**Section**

1. General Provisions.....	140:3-1-1
3. Filing and Disposition of Complaints .....	140:3-3-1

[Authority: 59 O.S. § 161.1]

**SUBCHAPTER 1. GENERAL PROVISIONS**

**Section**

- 140:3-1-1. Purpose
- 140:3-1-2. Definition
- 140:3-1-3. Gender
- 140:3-1-4. Statutory citations

**140:3-1-1 Purpose**

The purpose of the Chapter is to describe the procedures for the filing, investigation and disposition of complaints against chiropractic physicians pursuant to the Act.

**140:3-1-2 Definitions**

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"**Act**" means the Oklahoma Chiropractic Practice Act, 59 O.S. 1991, §§161.1 et seq.

"**Advisory Committee**" means the committee appointed by the Board to advise and assist the Board in the investigation of the qualifications for licensure, complaints as to the conduct of chiropractic physicians, and for such other matters as the Board delegates to them.

"**Board**" means the Board of Chiropractic Examiners.

"**Chiropractic**" means 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.

"**Chiropractic physician**" or "**licensee**" means a person who holds an original license to practice chiropractic in this state.

"**Code of Ethics**" means the Oklahoma Chiropractic Code of Ethics, OAC 140:15-7-5.

"**Complaints**" means a written statement by the person alleging that a chiropractic physician has committed a violation of the Act or the rules of the Board.

"**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 the following: current statutes, rules or any of those subjects listed in Section 161.8 of the Act.

"**Final order**" means an order made by the Board pursuant to the APA and which is subject to judicial review.

"**Individual proceeding**" means the formal process employed by the Board to provide a hearing for a licensee of the Board to provide a hearing for the licensee of the Board accused of a violation of the Act and in which the Board may take action against such person's original license to practice chiropractic in this state.

"**Letter of Concern**" means a letter issued by the Board to a chiropractic physician to advise a said chiropractic physician of a probable violation of the Act or the rules of the Board.

"**Order**" means a formal or official decision of the Board including, but not limited to, final orders.

"**Original license**" means a license which grants initial authorization to practice chiropractic in this state issued by the Board to an applicant found by the Board to meet the requirements for licensure of the Act,

(A) by examination pursuant to § 161.7 and 161.8 of the Act and 140:10-3-1 through 140:10-3-4; or

(B) by relocation of practice pursuant to § 161.9 of the Act and 140:10-3-5.

"**Party**" means a person or agency named and participating or properly seeking and entitled by law to participate in an individual proceeding.

"**Penalty**" means one or more of the penalties specified in subsection A of §161.12 of the Act.

"**Person**" means any individual, association, governmental subdivision, or public or private organization of any character other than an agency.

"**Relocation of Practice**" means the ability of an applicant to obtain Oklahoma Licensure on the following conditions:

(A) The applicant is of good moral character;

(B) 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 this state at the date of such license;

(C) The applicant has no disciplinary matters pending against him or her in any state, country, territory or province;

(D) The license being relocated 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;

(E) The applicant passes any examination given by the Board; and

(F) The applicant meets all other requirements of the Oklahoma Chiropractic Practice Act.

"**Renewal license**" means a license issued by the Board on or before the first day of January of each year to a licensee which authorizes the licensee to practice chiropractic in this state for the succeeding calendar year.

"**Revocation**" means the recalling, annulling or rendering inoperative of an original license or renewal license, or both, by the Board, after notice and an opportunity for a hearing in an individual proceeding.

"**Summary suspension**" means the temporary suspension of a license to practice chiropractic medicine by the Board without notice or an opportunity for a hearing.

"**Violation**" means a violation of the Act or rules of the Board for which the Board is empowered to take disciplinary action against a licensee.

**140:3-1-3. Gender**

As used in this Title, the masculine gender shall be deemed to include the feminine gender.

**140:3-1-4. Statutory citations**

Citations to statutes in the Chapter refer to the most recent codification of the statute.

## SUBCHAPTER 3. FILING AND DISPOSITION OF COMPLAINTS

**Section**

140:3-3-1.	Purpose
140:3-3-2.	Procedures for complaints against chiropractic physicians
140:3-3-3.	Letters of concern issued by the Board
140:3-3-4.	Individual proceedings
140:3-3-5.	Determination of penalties
140:3-3-6.	Summary suspension of a license
140:3-3-7.	Publication of penalties imposed against licensees
140:3-3-8.	Board and Advisory Committee member not to communicate

**140:3-3-1. Purpose**

This Subchapter describes the procedures of the Board related to the filing, investigation and disposition of complaints against chiropractic physicians.

**140:3-3-2. Procedures for complaints against chiropractic physicians**

(a) Any person may submit to the Board a complaint against a chiropractic physician. In the event a complaint is initiated by a member of the Board or the Advisory Committee and such complaint involves the member of the Board or the Advisory Committee to the extent that such member of the Board or Advisory Committee cannot render an impartial decision in the matter, the member of the Board or Advisory Committee shall recuse himself from further action, investigation or other matter related to said complaint.

(b) The Board shall make available a form which may be used for the filing of complaints.

(c) Each complaint reviewed by the Board shall be investigated and a written report made to the Board as set forth in subsections (e), (f), (g) and (h) of this section within twenty-four (24) months of receipt of the complaint by the Advisory Committee. No member of the Board shall review any complaint or discuss any complaint with any member of the Advisory Committee or any other person, including the complainant and the chiropractic physician named in the complaint, except that the Board may review the written report of the Advisory Committee as provided in (e), (f), and (g) of this section.

(1) No member of the Advisory Committee or the investigator may, in any way, discuss any complaint or the details therein with any person without order from the Board or a Court of competent jurisdiction. Discussion or disclosure of any complaint or information therein by an Advisory Committee member or investigator may result in that Advisory Committee member's removal from the investigation committee and other such sanctions as the Board deems appropriate.

(2) The amount of time for investigation of a complaint received by the Board by the Advisory Committee may be a thirty-six (36) extended beyond the twenty-four (24) months period of time upon a showing of good cause by either the complainant and /or the chiropractic physician named in the complaint.

(d) Upon receipt of the complaint, the Advisory Committee or investigator shall provide the chiropractic physician named in the complaint with a notice of the complaint and shall require said chiropractic physician to provide a written response to the complaint within twenty (20) days of mailing of a copy of the notice to said chiropractic physician. The failure of a chiropractic physician to respond to such a request of the Advisory Committee or investigator shall be grounds for disciplinary action by the Board. In addition, the chiropractic physician named in the complaint shall not contact, attempt to contact or allow anyone else to contact the person(s) who filed the complaint or whom the chiropractic physician named in the complaint believes may have filed the complaint.

(e) It shall be the duty of the Advisory Committee or investigator to investigate the complaint fully and in a manner consistent with due process requirements and the APA. At the conclusion of the investigation, the Advisory Committee or investigator shall submit a written report to the Board detailing the findings and determination if the Advisory Committee or investigator shall make a recommendation in its written report as to further action by the Board. The Advisory Committee may assign a complaint to an individual investigator employed by the Board on a part-time or full-time basis.

(f) The written report of the Advisory Committee or investigator shall be drafted so as to keep anonymous the name of the Complainant and the chiropractic physician named in the complaint. The report shall include a brief recitation of the facts of the complaint and a statement whether the Advisory Committee or investigator found competent evidence to support the allegations contained in the complaint.

(g) The Board shall review the report of the Advisory Committee or investigator at a meeting of the Board, provided, however that the Board's review of the report shall not be conducted as a hearing and the Board shall not hear testimony or receive evidence. Upon review of the report, the Board may:

(1) dismiss the complaint if the Board finds there is not reasonable cause to believe that there was a violation of the Chiropractic Practice Act;

- (2) issue a letter of concern, pursuant to 140:3-3-3, to the chiropractic physician named in the complaint if the Board finds that there is reasonable cause to believe that said chiropractic physician has committed a violation, but such violation, if proven, is not of such a nature as to warrant the imposition of a penalty by the Board; or
- (3) initiate an individual proceeding, pursuant to 140:3-3-4, against the chiropractic physician named in the complaint if the Board finds that there is reasonable cause to believe that said chiropractic physician has committed a violation and that such violation, if proven, is of such a nature as to warrant the imposition of a penalty by the Board.
- (h) In the event the Board votes to issue a letter of concern in regard to a complaint, it shall thereupon be the duty of the Advisory Committee or investigator to provide the board sufficient details as to the nature of the complaint so as to assist the Board to render a meaningful letter of concern.

#### **140:3-3-3. Letter of concern issued by the Board**

(a) A letter of concern issued by the Board shall:

- (1) Contain a clear and concise description of the violation alleged to have been committed by the chiropractic physician named therein;
- (2) Contain a statement that the Board has found that there is reasonable cause to believe that the chiropractic physician named in the complaint has committed a violation;
- (3) Contain an explanation of the factors considered by the Board and the Advisory Committee or investigator in the Board's decision to issue the letter of concern;
- (4) Be signed by the President of the Board; and
- (5) Be mailed certified mail, return receipt, to the chiropractic physician named in the complaint and to the complainant.

A copy of each letter of concern issued by the Board shall be placed ~~in permanent file of the chiropractic physician named in the complaint file, and in a separate file for disciplinary matters maintained by the Board.~~ Letters of concern shall be considered confidential records but maybe used as evidence in hearings conducted pursuant to the Act and Rules provided the letter is not made public during the course of the hearing and is sealed at the conclusion of the hearing.

#### **140:3-3-4. Individual Proceedings**

- (a) All individual proceedings/hearings shall be open to the public and shall be conducted in accordance with the Administrative Procedures Act of the Oklahoma Statutes.
- (b) The President of the Board shall set a time and place for the hearing provided that :
- (c) Notice of the hearing shall be given in writing by personal delivery to the person to be notified; or by mailing, certified mail, returned receipt requested, the last known address furnished to the Board; or notice may be given as is provided for process in the civil proceeding in the State of Oklahoma and pursuant to the Administrative Procedures Act, Title 75 O.S. Section 301 as amended.
- (d) The notice shall include a concise statement of the allegations and particular sections of the Oklahoma State Board of Chiropractic Examiners Rules and the Oklahoma Chiropractic Practice Act which are involved.
- (e) Each complainant and respondent called to a hearing before the Board shall be allowed to present documentary evidence. The Board, or its designee, shall appear in person and shall present the position of the Board in the Action.
- (f) Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the specialized knowledge of the one or more members of the Board.
- (g) Hearing will be conducted by one of the following methods as determined by the Board;
  - (1) By the Board;
  - (2) By any member of the Board or a designee of the Board acting as a hearing examiner or administrative law judge, or
  - (3) By an attorney licensed to practice law in this state appointed by the Board to act as a hearing examiner or administrative law judge.
- (h) Any hearing before the Board or its designee shall be recorded. The portion to the hearing constituting deliberations in executive session need not be recorded. A written transcript or a copy of the tape recording shall be made available to any person alleged to have committed a violation of the Act or Rules upon written request and payment of appropriate reimbursement cost for reproduction.
- (i) The Board or its designee shall rule upon the questions of admissibility of evidence, competency of witnesses, and any other questions of law upon which they have jurisdiction as provided in the State Board of Chiropractic Examiners Rules, the Oklahoma Chiropractic Act or Other applicable law.
- (j) All orders, whether proposed or final, shall be issued within sixty (60) calendar days of the hearing. Final orders shall state their effective date.

- (k) The board shall consider past disciplinary action taken against any accused found guilty in any present proceeding. Such past conduct shall not be evidence of guilty in the present proceeding but will be considered only in determining appropriate sanctions to be imposed by the Board in the present proceeding.
- (l) Unless precluded by law, the accused physician may waive any right granted in the law and proceed by stipulation, agreed settlement, consent order, or default. No provision in this section shall be construed as abeyance, any formal proceeding pending the outcome of informal negotiation or informally agreed upon terms.
- (m) The investigative files of the Advisory Committee and the Board shall be confidential as set forth in Title 51 O.S. Section 24A.12.
- (n) Any individual who has filed a complaint shall be notified of the disposition of the matter.
- (o) From time to time, the Board may employ lawyers licensed to practice law in Oklahoma to serve as special prosecutors in individual proceedings before the Board.
  - (1) Any individual serving as special prosecutor shall not serve as legal counsel to the Board in the same individual proceeding.
  - (2) The special prosecutor may perform such other duties as are assigned by the Board.

#### **140:3-3-5. Determination of Penalties**

Whenever the Board finds a chiropractic physician guilty of a violation in an individual proceeding, the Board may consider the following factors in its determination of penalty to be imposed against said chiropractic physician:

- (1) **Consequences to the public.** If potential or actual damage to the health, safety or welfare of the general public is more likely than not to occur as a result of acts or omissions by the licensee, the Board may impose a more severe punishment than if such damage is less likely to occur.
- (2) **Consequences to the patient.** If potential or actual damage to the health, safety, or welfare of the patient on whose behalf the complaint is brought is more likely than not to occur as a result of acts or omissions by the licensee, the Board may impose a more severe punishment than if such damage is less likely to occur.
- (3) **Intent.** If it is evident from the facts presented that the violation may be deemed by the Board to be intentional on the part of the licensee if the violation:
  - (A) Occurred as the result of negligence on the part of the licensee; or
  - (B) Was part of a pattern of extreme or ongoing carelessness as to be without regard for the health, safety or welfare of the general public or a patient; or
  - (C) Violated the principles of the Chiropractic Code of Ethics.
- (4) **Negligence.** If the violation committed by the licensee resulted from negligence on the part of licensee, but was not so gross, or was not the result of such carelessness, as to meet the test of three (3) of the this subsection, the Board may impose a less severe punishment than would be the case if the negligence met such a test.

#### **140:3-3-6. Summary suspension of a license**

If the Board, upon review of the report of the Advisory Committee, finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to the effect in its order, summary suspension of an original license or renewal, or both, may be ordered by the Board pending initiation of an individual proceeding. In such an event, the individual proceeding against the affected license shall be initiated within thirty (30) days after the date of the issuance of the summary suspension order.

#### **140:3-3-7. Publication of penalties imposed against licensees.**

From time to time, but as least annually, the Board shall cause to be published a report of all penalties imposed against licensees. Such a report may be in summary form but shall contain sufficient detail to inform a reader, not otherwise familiar with a complaint, of the violation committed by a licensee and the penalty imposed against said licensee by order of the Board. Copies of such reports shall be maintained at the office of the Board and shall be available for public inspection, copying and /or mechanical reproduction during regular business hours.

#### **140:3-3-8. Board and Advisory Committee member and/or investigator not to communicate**

- (a) The Board recognizes and asserts the necessity for all hearings and dispositive action by the Board to be conducted fairly and impartially.
- (b) The member of the Board shall not, unless required for the proper disposition of ex-parte matters authorized by law, communicate directly or indirectly in connection with any person or party, or in connection with any issue of law with any person, party or his representative of a party, except upon notice and opportunity for all parties to participate. Members of the Board may continue to communicate with other member of the Board only during meetings or otherwise in compliance with the Oklahoma Open Meetings Act and may have the aid and advice of the Board's counsel.
- (c) Board members shall not communicate with any non-party or the Advisory Committee in regard to any active case, hearing or other matter before the Board, except the Board may receive the report of the Advisory Committee during a meeting of the Board following the investigation by the Advisory Committee.

## CHAPTER 10. LICENSURE OF CHIROPRACTIC PHYSICIANS

Subchapter	Section
1. General Provisions .....	140:10-1-1
3. Application, Examination and Licensing.....	140:10-3-1
5. Procedures for Renewal Licenses .....	140:10-5-1
7. Preceptorship [REVOKED] .....	140:10-7-1

[Authority: 59 O.S., § 161.6]

#### 140:10-1-1. Purpose

The purpose of this Chapter is to describe:

- (1) the requirements and procedure for obtaining an original license, by examination or reciprocity, to practice chiropractic medicine in this state; and
- (2) the requirements and procedures for obtaining a renewal license.
  - (A) 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 this state, at the date of such license;
  - (B) The applicant has no disciplinary matters pending against him or her in any state, country, territory or province.
  - (C) The license held prior to relocation of practice 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;
  - (D) The applicant passes any examination offered by the Board according to 140:10-3-1; and
  - (E) The applicant meets all other requirements of the Oklahoma Chiropractic Practice Act.

#### 140:10-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise. In addition, the use of the masculine gender shall be deemed inclusive in this chapter to include the feminine gender.

**"Accredited chiropractic college"** means a chiropractic educational institution which is accredited by the Commission on Accreditation of the Council on Chiropractic Education, a national, independent accreditation body recognized and approved by the U.S. Department of Education.

**"Act"** means the Oklahoma Chiropractic Practice Act, 59 O.S. 1991, §§161.1 et seq.

**"Advisory Committee"** means the committee appointed by the Board to advise and assist the Board in the investigation of the qualifications for licensure, complaints as to the conduct of chiropractic physicians, and for such other matters as the Board delegates to them.

**"Board"** means the Board of Chiropractic Examiners.

**"Chiropractic"** means 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.

**"Chiropractic physician" or "licensee"** means a person who holds an original license to practice chiropractic in this state.

**"Continuing education requirements"** means attendance by a licensee at a minimum of sixteen (16) hours of Chiropractic education seminars as required for a renewal license.

(A) Twelve (12) hours of the sixteen required by law must be clinical in nature, and the other remaining four (4) may consist of practice management, philosophy, and or other non-clinical topics.

(B) Eight (8) hours of continuing education may be acquired out of state with first having obtained a pre-approval from the Board of Chiropractic Examiners. Eight (8) hours of continuing education can be obtained by attending a national chiropractic association meeting and/or the Federation of Chiropractic Licensing Boards Annual or Federation of Chiropractic Licensing Boards' District meetings attended by any licensee.

(C) Eight (8) hours of mandatory in state continuing education shall be acquired by attending continuing education offered by a registered, domestic Oklahoma association whose seminar has been approved by the Board of Chiropractic Examiners.

"**Examination**" means the process used by the Board, prior to the issuance of any 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 the Act.

"**Individual proceeding**" means the formal process employed by the Board to provide a hearing for a licensee of the Board accused of a violation of the Act and in which the Board may take action against such person's original license to practice chiropractic in this state.

"**License renewal program**" means a continuing education program which:

- (A) is sponsored or administered by an association for the purpose of providing licensees an opportunity to satisfy continuing education requirements; and
- (B) has been approved by the Board.

"**Licensure**" means the Board's process with respect to the grant, denial, renewal, revocation, or suspension of an original or renewal license.

"**Original license**" means a license which grants initial authorization to practice chiropractic in this state issued by the Board to an applicant found by the Board to meet the requirements for licensure of the Act:

- (A) by examination pursuant to § 161.7 and 161.8 of the Act and 140:10-3-1 through 140:10-3-4; or
- (B) by relocation of practice pursuant to § 161.9 of the Act and 140:10-3-5.

"**Relocation of practice**" means the ability of an applicant to obtain Oklahoma who meets the following conditions:

- (A) The applicant is of good moral character;
- (B) 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 this state at the date of such license;
- (C) The applicant has no disciplinary matters pending against him or her in any state, country, territory or province;
- (D) The license held prior to relocation of practice 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;
- (E) The applicant passes any examination offered by the Board according to 140:10-3-1; and
- (F) The applicant meets all other requirements of the Oklahoma Chiropractic Practice Act.

"**Renewal license**" means a license issued by the Board on or before the first day of January of each year to a licensee which authorizes the licensee to practice chiropractic in this state for the succeeding calendar year.

"**Revocation**" means the recalling, annulling or rendering inoperative of an original license or renewal license, or both, by the Board, after notice and an opportunity for a hearing in an individual proceeding.

#### **140:10-1-3. Gender**

As used in this Title, the masculine gender shall be deemed to include the feminine gender.

#### **140:10-1-4. Statutory citations**

Citations to statutes in this Chapter refer to the most recent codification of the statute.

### **SUBCHAPTER 3. APPLICATION, EXAMINATION AND LICENSING**

#### **Section**

- 140:10-3-1. Application for an original license by examination
- 140:10-3-2. Review of application
- 140:10-3-3. Examination Fee
- 140:10-3-4. Content and conduct of examination; grading
- 140:10-3-5. Application for an original license by reciprocity
- 140:10-3-6. Additional educational requirements; re-examination
- 140:10-3-7. Recording of licenses [REVOKED]
- 140:10-3-8. Displaying licenses [REVOKED]
- 140:10-3-9. Injectable certification [REVOKED]

#### **140:10-3-1. Application for an original license by examination**

- (a) An application to the Board for an original license to practice chiropractic shall be made on forms created and approved

by the Board and shall be signed and verified under oath by the applicant. The application shall include:

- (1) A passport photo
  - (2) the affidavits of two (2) chiropractic physicians who are not related to or under financial obligation to the applicant and which state that the applicant is of good moral character;
  - (3) a copy of the applicant's high school diploma or transcripts, certified as being a true and correct copy;
  - (4) a copy of the applicant's pre-chiropractic college or university transcript or transcripts, certified:
    - i. by an official of the issuing college or university as being true and correct; and
    - ii. by an official of the University of Oklahoma as containing at least ninety (90) hours of college credit accepted by the University of Oklahoma;
  - (5) a copy of the applicant's diploma from an accredited chiropractic college, certified by an official of the issuing college as being true and correct, except as provided in (b) of this Section;
  - (6) A money order, certified check or cashier's check payable to the Board in the amount of One Hundred Fifty Dollars (\$150.00) as payment of the application fee. Such fee is not refundable under any circumstances.
- (b) A senior student at an accredited chiropractic college may, prior to graduation, make application for an original license by examination. In such event, the application shall be accompanied by a statement on a form approved by the Board containing certification by an official of such college that the applicant is a senior at the college and is expected to graduate within in one (1) year from the date of the certificate. An original license shall not, however, be issued to such an applicant until the applicant has submitted to the Board a copy of the applicant's diploma from said accredited chiropractic college, certified as true and correct.
- (c) Applicants shall submit documentary evidence of completion of Parts I, II, III, IV and physiotherapy as administered by the National Board of Chiropractic Examiners with a passing score.
- (d) An application and all accompanying documents must be completed and received by the Board no later than thirty (30) days prior to the date of the next scheduled examination in order to be eligible to take the examination.
- (e) A fee of One Hundred Fifty Dollars (\$150.00) as payment for the examination if approved by the Board of Chiropractic examiners. Such fee is not refundable under any circumstances.

#### **140:10-3-2. Review of application**

- (a) Prior to each scheduled examination, the Executive Director shall report to the Board the number of completed applications received by the Board. Board members shall review each application for an original license by examination, determine if the applicant has satisfied all requirements of the Act and of this Title, and approve or disapprove each application.
- (b) If an application is approved by the Board, the applicant shall be notified by the Executive Director of such approval and the time, date, and place of the next scheduled examination.
- (c) If an application is disapproved by the Board, the applicant shall be notified by the Executive Director of the Board of such disapproval by the return of the application to him together with the reason therefore fully stated in writing.
- (d) A fraudulent or false statement as to any material fact which is contained in any application for an original license, or the failure to provide any requested information, shall constitute sufficient cause for the disapproval of the application.

#### **140:10-3-3. Examination Fee**

Each application for an original license shall be accompanied by a non-refundable examination fee of One Hundred Fifty Dollars (\$150.00), made payable to the Board, which payment shall be by money order, certified check or cashier's check, and which shall be submitted with the application.

#### **140:10-3-4. Content and conduct of examination; grading**

- (a) The Board of Chiropractic Examiners may administer an examination that shall include those technical, professional, and practical subjects that relate to the practice of chiropractic including, but not limited to; chiropractic principals, anatomy, histology, physiology, symptomatology, orthopedia, chemistry, spinography, diagnosis, sanitation and hygiene, pathology, public health service; and adjustology
- (b) The Board may also examine each applicant in the art of chiropractic adjusting, x-ray, diagnostic laboratory procedures, physiological therapeutics and other subjects taught at an accredited chiropractic college
- (c) The Board of Chiropractic Examiners may also administer the jurisprudence assessment examination to an applicant.
- (d) A score of seventy-five percent (75%) or better is required to pass any examination administered by the Board.

**140:10-3-5. Application for an original license by relocation of practice.**

- (a) An application to the Board for an original license by relocation of practice to practice chiropractic in this state shall be made on a form created and approved by the Board and the applicant may also be required to appear before the board for a personal interview, and shall be assessed a jurisprudence examination
- (b) The Board may, in its discretion, refuse to grant an original license by relocation of practice to any applicant and may require the applicant to take the oral examination required by the Act.
- (c) The application shall be signed and verified under oath by the applicant. The application shall include:
  - (1) A passport photo attached to the appropriate page of the application.
  - (2) the affidavits of two (2) chiropractic physicians who are not related to or under financial obligation to the applicant and which state that the applicant is of good moral character;
  - (3) a copy of the applicant's high school final transcripts or equivalent certified as being a true and correct copy;
  - (4) a copy of the applicant's pre-chiropractic college or university transcript or transcripts, certified:
    - (A) by an official of the issuing college or university as being true and correct; and
    - (B) by an official of the University of Oklahoma as containing at least ninety (90) hours of college credit accepted by the University of Oklahoma;
  - (5) a copy of the applicant's diploma from an accredited chiropractic college, certified by an official of the issuing college as being true and correct;
  - (6) Submit documentary evidence to the board that the applicant has been in active practice for five (5) years immediately preceding the date of application.
  - (7) a money order, certified check or cashier's check payable to the Board, in the amount of Three Hundred Dollars (\$300.00), as payment of the application fee. Such fee is not refundable under any circumstances.
- (d) Except as is otherwise approved in writing by the Board, an application and all accompanying documents must be completed as set forth in the Act and application.
- (e) All documents accompanying an application for an original license by relocation of practice that are written in any language other than English shall be translated, at the expense of the applicant, into the English language and certified under seal of the proper consulate. The translation shall be submitted with the application.
- (f) All applicant's must submit a certified copy of his/her birth certificate and/or naturalization papers if they were born anywhere other than the United States.
- (g) The review of each application for an original license by relocation of practice shall be conducted by the Board, and notice of the approval or disapproval thereof shall be given by the Executive Director in the same manner as for an application for an original license by examination.
- (h) A fraudulent or false statement as to any material fact, which is contained in any application for an original license by relocation of practice, or the failure to provide any requested information, shall constitute sufficient cause for the disapproval of the application.

**140:10-3-6. Additional educational requirements; re-examination**

- (a) The Board shall not issue an original license, by examination or relocation of practice to an applicant until the applicant has completed all requirements of the Act and of this Title.
- (b) If an applicant fails any part of any examination conducted or accepted by the Board three (3) times, the Board may, at its discretion, require proof of additional education or training in those subjects failed by the applicant before the applicant is allowed to be re-examined.
- (c) An applicant who fails any part of any examination conducted or accepted by the Board may be required to retake all portions of the examination or only those parts which the applicant failed, at the discretion of the Board.
- (d) 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. The course shall consist of no less than eight (8) hours of sexual boundaries, AIDS, and HIPPA compliance, and no less than eight (8) hours of office management procedures and new doctor orientation.

- 140:10-3-7. Recording of licenses [REVOKED]
- 140:10-3-8. Displaying licenses [REVOKED]
- 140:10-3-9. Indictable certification [REVOKED]

#### SUBCHAPTER 5. PROCEDURES FOR RENEWAL LICENSES

##### Section

- 140:10-5-1. Renewal license; requirements
- 140:10-5-2. License renewal program approval
- 140:10-5-3. Revocation or suspension of license; reinstatement
- 140:10-5-4. Renewal license for senior inactive licensees
- 140:10-5-5. Renewal license for nonresident licensees

##### **140:10-5-1. Renewal license; requirements**

(a) Except as provided in 140:10-5-4, related to senior inactive licenses, and 140:10-5-5, related to nonresident licenses, each licensee holding an original license to practice chiropractic in this state shall pay to the Board, on or before the first day of January of each year hereinafter, an annual renewal fee of Two Hundred Twenty-Five Dollars (\$225.00), which shall be accompanied by;

(1) Evidence that the licensee has satisfied Board approved chiropractic continuing education requirements; or

(2) A statement on a form created and approved by the Board, containing:

(A) An affidavit from the licensee which states:

(i) the licensee was unavoidably prevented from satisfying the continuing education requirements;

(ii) the reason or reasons therefore; and

(iii) that the licensee is not attempting to circumvent or abrogate the intent of such continuing education requirements; and

(B) the affidavits of two (2) licensed chiropractic physicians who personally know the licensee, vouch for the licensee's good standing in the chiropractic profession, and recommend that the licensee be issued a renewal license.

(b) The Board shall, upon receipt of the renewal license fee, and upon determination of compliance with the requirements of subsection A of Section 161.11 of the Act, issue a Chiropractic renewal license, which shall entitle the holder to practice chiropractic in this state during the succeeding calendar year.

(c) Attendance by a licensee at a license renewal program shall be certified by an officer of the sponsoring or administering association, which officer shall have been previously approved by the Board for the purpose of providing such certification. The list of attendees from the continuing education seminar, shall be submitted no later than forty-five (45) days after the approved continuing education seminar. The list shall be submitted by the certified officer of the association, and sent to the Board after all signatures and/or time cards have been verified by the individual certified to report to the Board of Chiropractic Examiners on all seminar attendees. If there are any missing signatures and/or any other missing documentation the licensee will not be able to renew his/her license for the renewal year.

(d) Individuals who take the allowable eight (8) hours of an approved out of state educational seminar shall be responsible for obtaining proof of attendance. The doctor shall submit proof of attendance with renewal application.

(e) The Board of Chiropractic Examiners hereby recognizes the requirements adopted from time to time by the Federation of Chiropractic Licensing Boards Providers of Approved Continuing Education (FCLB PACE) as the requirements of the Board. The Board recognizes FCLB PACE Recognized Providers as satisfying the requirements of the Board for purposes of the licensure renewal process. The Board, however, reserves the approval authority for all programs based on furtherance of professional development and related areas, and in the interest of the public protection.

**140:10-5-2. License renewal program approval**

- (a) Approval of programs to be offered to satisfy license renewal provisions of the Subchapter is vested solely in the Board. No program shall be offered, advertised or marketed for the purpose of license renewal prior to being approved by the Board.
- (b) It shall be the duty of the Board to review and consider for approval, during a meeting of the Board, every application from ~~a~~ a chiropractic association or institution which desires to present a continuing chiropractic education program required for license renewal.
- (c) The Board shall maintain a list of all chiropractic associations or institutions that notify the Board of an intent to present a continuing chiropractic education program for license renewal. It shall be the duty of each association to inform the Board of any change of address or name.
- (d) ~~A~~ A chiropractic association or institution may submit applications to present continuing chiropractic program for license renewal. All applications to present continuing chiropractic program must be submitted at least ninety (90) calendar days prior to said education programs being presented. Each application must contain the qualifications of the applicant, association or entity seeking to sponsor the program, the state of domicile, the classification of the applicant as "profit" or "nonprofit", and the educational experience of the instructors conducting the program.
- (e) The board shall create and approve a form to be used by ~~an~~ a chiropractic association or institution to apply for approval to present a continuing chiropractic education program. In order to be considered for approval, such form shall be completed by an association. An association shall submit a separate application for each program it wishes to present.
- (f) The board in its discretion, may refer the application to the Advisory Committee or the Executive Director for review and/or information gathering.
- (g) No later than thirty (30) days after submission of the application the Board shall either approve or reject the application.
- (h) During the meeting provided for in paragraph (b) of this Section, each association shall be given the opportunity to make an oral presentation of no more than fifteen (15) minutes for each application to provide the Board with any additional relevant information for such program. The board may request additional information regarding the application.
- (i) The board shall consider, among other relevant factors, the content of the program and the cost ~~by~~ for a chiropractic physician to attend the program. The Board shall not approve programs which do not present a program of a chiropractic nature; provided no program shall be approved which is used primarily as a sales promotion for the association which presents the program or any speaker who presents any part of a program or at which products or services related to the programs are offered for sale.
- (j) At the conclusion of all presentations and during the same meeting, the board shall announce individually the approval or denial of the application to present a continuing chiropractic program. The Board shall state the specific reason or reasons for the denial of any application.
- (k) All programs approved by the Board shall be open to all persons.

**140:10-5-3. Revocation or suspension of license; reinstatement**

In the event that a licensee fails to obtain a renewal license on or before the first day of ~~January~~ July of each year, the original license of such licensee shall be subject to revocation or suspension, upon order of the Board. The Board may reinstate the original license of such person upon the payment of all fees due, plus a penalty fee in the amount of One Hundred Dollars (\$100.00), and upon presentation to the Board of satisfactory evidence of compliance with the continuing education requirements.

**140:10-5-4. Renewal license for retired licensees**

- (a) Any licensee who is sixty-five (65) years of age or older and is not actively engaged in the practice of chiropractic medicine in this state may pay to the Board a reduced renewal license fee of Fifty Dollars (\$50.00). Such a licensee shall satisfy all other requirements of 140:10-5-1 and subsection A of Section 161.11 of the Act.
- (b) A licensee seeking a renewal license under the provisions of this Section shall attach to the renewal form a statement on a form created and approved by the Board stating:
- (1) that the applicant is sixty-five (65) years of age or older;
  - (2) that the applicant is not actively engaged in the practice of chiropractic in this state; and
  - (3) that the applicant will not engage in the practice of chiropractic in this state during the succeeding calendar year.
  - (4) The Board shall, upon receipt of the reduced renewal license fee and upon determination that the licensee has pressed satisfactory evidence of compliance with the requirements of subsection A of Section 161.11 of the Act issue a renewal license to said licensee. The renewal license shall have the words "RETIRED LICENSE – NOT VALID FOR ACTIVE PRACTICE" stamped on the face thereof and shall not entitle such senior inactive licensee to practice chiropractic in this state during the succeeding calendar year.

**140:10-5-5. Renewal license for inactive non-resident licensees**

(a) Any licensee who is a nonresident of this state and is not actively engaged in the practice of chiropractic in this state may pay to the Board a reduced renewal license fee of One Hundred Seventy-five Dollars (\$175.00). Such a licensee need not satisfy the other requirements of 140:10-1 and subsection A of Section 161.11 of the Act.

(b) A licensee seeking a renewal license under the provisions of this Section shall attach to the renewal form a statement on a form created and approved by the Board containing:

- (1) an affidavit by the inactive licensee of this state:
  - (A) that the applicant is not actively engaged in the practice of chiropractic in this state; and
  - (B) that the applicant will not engage in the practice of chiropractic in this state during the succeeding calendar year; and
- (2) certification that said licensee has satisfied the licensee renewal requirements in the state, country, territory or providence in which the licensee is currently engaged in the practice of chiropractic.

**140:10-5-6. Renewal license for inactive resident licensees**

(a) Any licensee who is a resident of this state and is not actively engaged in the practice of chiropractic in this state may pay to the Board a reduced renewal license fee of One Hundred Dollars (\$100.00). Such a licensee need not satisfy the other requirements of 140:10-1 and subsection A of Section 161.11 of the Act.

(b) A licensee seeking a renewal license under the provisions of this Section shall attach to the renewal form a statement on a form created and approved by the Board containing:

- (1) an affidavit by the inactive resident licensee of this state:
  - (A) that the applicant is not actively engaged in the practice of chiropractic in this state due to illness, infirmity, active military service or other circumstances as approved by the Board;
  - (B) that the applicant will not engage in the practice of chiropractic in this state during the succeeding calendar year.
- (2) the licensee will also be exempt from continuing education during the calendar years in which they apply and are approved for an inactive resident license.

**SUBCHAPTER 7. PRECEPTORSHIP [REVOKED]****Section**

- 140:10-7-1. Definition [REVOKED]  
 140:10-7-2. Practicum planning and participation [REVOKED]  
 140:10-7-3. Preceptor qualifications for participation [REVOKED]  
 140:10-7-4. Preceptor responsibilities [REVOKED]  
 140:10-7-5. Intern responsibilities [REVOKED]  
 140:10-7-6. College responsibilities [REVOKED]

- 140:10-7-1. Definition [REVOKED]**  
**140:10-7-2. Practicum planning and participation [REVOKED]**  
**140:10-7-3. Preceptor qualifications for participation [REVOKED]**  
**140:10-7-4. Preceptor responsibilities [REVOKED]**  
**140:10-7-5. Intern responsibilities [REVOKED]**  
**140:10-7-6. College responsibilities [REVOKED]**

**SUBCHAPTER 8. ADMINISTRATIVE FEES****140:10-8-1. Fees**

Fee Schedule.

- (1) Examination. The following fees shall be assessed for licensure and examination of Chiropractors:
  - (A) Original license: \$150.00
  - (B) Relocation of Practice: \$150.00
  - (C) Examination Fee: \$150.00
- (2) Licensure. The following fees shall be assessed for licensure of Chiropractors:
  - (A) Renewal fee active license \$225.00
  - (B) Renewal fee inactive license \$175.00
  - (C) Retired license fee \$50.00
  - (D) Reinstatement fee not exceed \$400.00
  - (E) Penalty fee for late renewal ~~\$400.00~~ \$150.00
- (3) Duplication or modification of license. A fee of ~~\$65.00~~ \$75.00 shall be assessed for duplication or modification of original license.
- (4) Miscellaneous fees: the following fees shall be assessed by the Board
  - (A) Letter of good standing and/or verifications for other licensing Boards with seal: ~~\$20.00~~ \$35.00
  - (B) Verification of licensure: ~~\$2.00~~ \$10.00 per license
  - (C) Duplication of proof of license renewal: ~~\$5.00~~ \$10.00
  - (D) Duplication of Public Records: per page: \$0.25
  - (E) Returned check processing fee: \$20.00
  - (F) Duplication of certificates issued by the Board: \$20.00
  - (G) Directory ~~\$40.00~~ \$35.00 hard copy and/or diskette
  - (H) Search fee for records requested for commercial purposes: \$30.00
  - (I) Continuing education application fee: \$200.00
  - (J) Post Doctoral Diplomate Chiropractic Specialties registration/re-registration fee: \$50.00
  - (K) Copy of tape of a board meeting and or an administrative hearing \$20.00
  - (L) Labels of addresses of all licensed chiropractors \$50.00
  - (M) Travel-to-Treat registration \$25.00

**CHAPTER 15. SPECIAL CERTIFICATES AND MISCELLANEOUS PROVISIONS****Section**

140:15-1-1.	Purpose
140:15-1-2.	Definitions
140:15-1-3.	Gender
140:15-1-4.	Statutory citations

**SUBCHAPTER 1. GENERAL PROVISIONS****140:15-1-1. Purpose**

The purpose of this Chapter is to:

- (1) Establish a certification system and standards for the education and training of chiropractic physicians who desire to administer injectable vitamins, minerals or nutritional supplements; and
- (2) Establish various requirements and prohibitions related to the practice of chiropractic found by the Board to be in the best interest of the health, safety and welfare of the public.

**140:15-1-2. Definitions**

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context plainly indicates otherwise:

"Act" means the Oklahoma Chiropractic Practice Act, 59 O.S. 1991, §§161.1 et seq.

" the Acupuncture and/or Meridian Therapy" means a healthcare method used to prevent, diagnose and treat disease by restoring the body's balance and harmony consisting of the stimulation of various points on or within human body or interruption of the cutaneous integrity by specific needle insertion or other form of point stimulation.

"Board" means the Board of Chiropractic Examiners.

"Certificate" means a document given to a chiropractic physician by an institution, specialty council, specialty board, or Board, verifying the chiropractic physician has fulfilled the educational requirements set forth by the institution, specialty council, specialty board, or Board granting the certificate.

"Certification" means a process by which an institution, specialty council, specialty board, institution, or Board evaluates and acknowledges a chiropractic physician's successful completion of a pre-established set of requirements or criteria.

"Chiropractic physician" or "licensee" means a person who holds an original license to practice chiropractic in this state.

"Diplomate Specialty" means a postgraduate diplomate degree or certificate granted to a chiropractic physician.

"Homeopathy" means a healthcare method used to prevent, diagnose and treat disease by homeopathic methods such as homeopathic medicines, agents, remedies and articles.

"Institution" means a school of higher education or its affiliate, regulated by a state department of education or state department of health occupation or state commission on higher education or a school accredited by an agency recognized by the United States Department of Education or the Council of Higher Education Accreditation.

"Naturopathy" means a healthcare method used to prevent, diagnose and treat disease by naturopathic methods of natural therapeutic modalities that include but are not limited to naturopathic medicines, agents, remedies and articles.

"Non-Diplomate Specialty" means a certificate that is not specifically identified as being a Diplomate that is granted to a chiropractic physician by an institution, specialty council, or specialty board.

"Registry" means a structured record of registration information regarding all chiropractic physicians holding themselves out as having a specialty certificate.

"Specialty Board" means a professional, independent entity that provides for competency testing of didactic and clinical skills of applicants and granting of certifications in post-doctoral chiropractic specialty areas upon completing an approved post-doctoral curriculum.

"Specialty Certificate" means a document granted to a chiropractic physician by a specialty council, specialty board, or institution signifying the chiropractic physician has obtained Diplomate specialty status or a non-diplomate specialty certification that is granted by an institution.

"Specialty Council" means an approved council by the International Chiropractic Association or the American Chiropractic Association, or its equivalent as approved by the Board.

#### **140:15-1-3. Gender**

As used in this Chapter, the masculine gender shall be deemed to include the feminine gender.

#### **140:15-1-4. Statutory citations**

Citations to statutes in this Chapter refer to the most recent codification of the statute.

### **SUBCHAPTER 3. CERTIFICATES FOR CHIROPRACTIC CLAIMS CONSULTANTS**

#### **Section**

- 140:15-3-1. Certain acts prohibited; exceptions **[REVOKED]**  
 140:15-3-2. Registration with the Board; certificate **[REVOKED]**

#### **Section**

- 140:15-5-1. Certificate Authorization from the Board  
 140:15-5-2. Application for certificate; educational requirements  
 140:15-5-2. Education and training

### **SUBCHAPTER 5. ~~CERTIFICATE~~ AUTHORIZATION FOR INJECTABLES**

#### **140:15-5-1. Authorization Certification from the Board**

No chiropractic physician shall administer or cause to be used any injectable vitamins, minerals or nutritional supplements unless said chiropractic physician ~~holds a written certification issued by~~ is authorized by the Board pronouncing that said chiropractic physician is proficient in the administration and use of such injectables. The Board shall establish an examination to be used by the Board to determine the proficiency of any a chiropractic physician who seeks ~~certification~~ authorization from the Board. ~~However~~ Provided that any authorization certification issued before January 1, 1994, shall not require examination. The Board shall maintain a registry listing all chiropractic physicians who are authorized by the Board.

**140:15-5-2. Application for ~~authorization certification~~; educational requirements**

Any chiropractic physician who desires to administer vitamins, minerals or nutritional supplements by means of injectable procedures shall make application, on a form prescribed by the Board, for ~~authorization a certification~~ for such purpose. Each such chiropractic physician shall submit to the Board documentary evidence of satisfactory completion of at least twenty-four (24) hours of education and training in administration and use of such injectables. Such education and training shall be obtained at an educational program which has been approved by the Board and meets the following criteria: the program.

- (1) is conducted under the auspices of and taught by the post graduate faculty of a chiropractic institution.
- (2) consist of a minimum of twenty-four (24) hours;
- (3) requires completion of a certification examination given by a board independent of the entity which taught the course; and
- (4) meets such other criteria as the Board deems appropriate.

**140:15-5-3. Education and training**

Approval of education and training in administration of vitamins, minerals, nutritional supplements by means of injectable procedures offered to satisfy the provisions of 140:15-5-1 and 140:15-5-2 is vested solely in the Board. No educational program shall be offered, advertised or marketed for the purpose of certification prior to being approved by the Board. At least ninety (90) calendar days prior to offering any education and training program, the individual or group offering said program shall submit to the Board for approval;

- (1) An application to provide education and training in administration of vitamins, minerals or nutritional supplements by means of injectable procedures;
- (2) The course outline and course description of such program;
- (3) The faculty name(s) and credentials
- (4) A complete set of course materials and examination; and
- (5) Fees and or costs to each participant

**SUBCHAPTER 7. PUBLIC WELFARE PROVISIONS****Section**

- 140:15-7-1. Display of license  
 140:15-7-2. Current mailing address of licensees; notice  
 140:15-7-3. Professional corporations and limited liability companies  
 140:15-7-4. Appendages to names of licensees  
 140:15-7-5. Code of Ethics

**140:15-7-1. Display of license**

Each chiropractic physician shall, at all times, display his original license and current renewal license in a prominent place at the primary location in this state where he is engaged in the practice of chiropractic.

**140:15-7-2. Current mailing address of licensee; notice**

Each chiropractic physician shall, at all times, keep the Board informed of his or her current mailing address. A chiropractic physician shall be deemed to have received notice, as may be required by the Act or this title, when such notice is mailed to the last known address provide by state chiropractic physician to the Board. Failure of any chiropractic physician to keep the Board informed of his or her current mailing address may result in disciplinary action against the chiropractic physician by the Board.

**140:15-7-3. Professional corporations and limited liability companies**

- (a) A chiropractic physician who elects to incorporate his or her practice in a professional corporation pursuant to the Oklahoma Professional Corporation Act, 18 O.S. 1991, §§ 801 et seq., individually or with others, may use the corporate name of such professional corporation in said practice.
- (b) A chiropractic physician who elects to form a limited liability company pursuant to the Oklahoma Limited Liability Act, 18 O.S.Supp. 1992, §§ 2000 et seq., may use any name lawful thereunder.

**140:15-7-4. Appendages to names of licensees**

Every chiropractic physician who writes or prints, or causes to be written or printed, his name (whether or not the word "doctor,," or an abbreviation thereof, is used in conjunction therewith) in any manner in connection with such person engaging in, or in any manner holding himself out to the public as engaging in, the practice of chiropractic, shall append to his name so written or printed, in the same size letter as his name, one of the following designations:

- (1) Chiropractic Physician;
- (2) Doctor of Chiropractic
- (3) Chiropractor; or
- (4) D.C.

## SUBCHAPTER 7. SAFETY AND PUBLIC WELFARE PROVISIONS

**140:15-7-5. Code of Ethics**

There is hereby created the "Oklahoma Chiropractic Code of Ethics". This Code of Ethics is based upon the fundamental principle that the ultimate end and objective of the chiropractic physician's professional services and effort should be: "The greatest good for the patient."

- (1) Chiropractic physicians shall attend their patients as often as they consider necessary to ensure the well-being of their patients, but should avoid unnecessary treatments;
- (2) Having once undertaken to serve a patient, chiropractic physicians shall not neglect the patient. Chiropractic physicians shall not terminate their professional services to patients without taking reasonable steps to protect such patients, including due notice to them allowing sufficient time for obtaining professional services of others, delivering to their patients all papers and documents in compliance with paragraph 3 of this subsection;
- (3) Chiropractic physicians shall comply within twenty-one (21) calendar days of a patient's authorization certification to provide records, or copies of such records, to those persons whom the patient designates as authorized to inspect or receive all or part of such records. A reasonable charge may be made for the cost of copying records. Unpaid charges incurred by the patient are not grounds for refusal to release records.
  - (A) After receipt of complaint, all records shall be available for inspection and copying by investigators of the Board during normal business hours.
  - (B) A patient record shall be maintained for every patient under the care of the chiropractic physician and such records shall be kept confidential. Only authorized personnel shall have access to the records.
  - (C) Records generally shall not be removed from the control of the chiropractic physician except upon court order or as authorized by law. Board staff shall be authorized to obtain copies or review any records to assure compliance with these rules or other parts of the Act.
  - (D) Chiropractic physicians shall furnish the Board, its investigators or representatives, information lawfully requested by the Board and shall cooperate with a lawful investigation conducted by the Board.
- (4) Subject to paragraph 3 of this subsection, chiropractic physicians should preserve and protect the patient's confidences and records, except as the patient directs or consents, or if the law requires otherwise. They should not discuss a patient's history, symptoms, diagnosis, or treatment with a lawyer until they have received the ~~informed~~ consent of the patient or the patient's personal representative. They should avoid exploiting the trust and dependency of their patients;
- (5) Chiropractic physicians shall maintain the highest standards of professional and personal conduct. Chiropractic physicians shall refrain from all illegal or morally reprehensible conduct;
- (6) Chiropractic physicians shall assure that the patient possesses enough information to enable an intelligent choice in regard to proposed chiropractic treatment. The patient shall make his or her own determination on such treatment;
- (7) Chiropractic physicians shall observe the appropriate laws, decisions and rules of state governmental agencies of the United States and the State of Oklahoma and cooperate with the pertinent activities.
- (8) Chiropractic physicians may advertise but shall exercise utmost care that such advertising is relevant to the selection of a chiropractic physician, is accurate, truthful, not misleading, false or deceptive, and is scrupulously correct in representing the chiropractic physician's professional status and area of special competence. Communications to the public shall not appeal primarily to an individual's anxiety or create unjustified expectations of results. Chiropractic physicians shall conform to all applicable state laws, rules and judicial decisions in connection with professional advertising;
- (9) Chiropractic physicians may testify either as experts or when their patients are involved in court cases, workers' compensation proceedings or in other similar proceedings in personal injury or related cases.
- (10) The chiropractic profession shall address itself to improvements in licensing procedures consistent with the development of the profession and of relevant advances in science;
- (11) Chiropractic physicians who are public officers part time or full time, shall not engage in activities which are, or may be perceived to be, in conflict with their official duties;
- (12) Chiropractic physicians shall not commit fraud, misrepresentation, or deception which includes, but is not limited to:
  - (A) Practicing or attempting to practice chiropractic under false or assumed name;
  - (B) Aiding, assisting, or advising another in the unlicensed practice of chiropractic;
  - (C) Fraud or deceit in obtaining or renewing a license to practice chiropractic;
  - (D) Making false or misleading statements or withholding relevant information regarding the qualifications of any individual in order to attempt to obtain a license or engage in the practice of chiropractic;
  - (E) Failing to report past, present, or pending disciplinary action by another licensing board or the current status of the final administrative disposition of a matter. A licensee is required to report any compromise or settlement of disciplinary action, whether voluntary or involuntary, which results in encumbrance of licensure;

(F) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so. Such reports or records shall include only those which are signed by the licensee in his/her capacity as a licensed chiropractic physician;

(G) Submitting to any patient, insurer or third-party payor a claim for a service or treatment which was not actually provided to a patient.

(H) Failing to report to the Board a conviction of, or pleading guilty or nolo contendere to, fraud in filing Medicare or Medicaid claims or in filing claims with any third party payor. A copy of the record of the plea or conviction certified by the clerk of the court entering the plea or conviction, shall be conclusive evidence of the plea or conviction.

(13) Chiropractic physicians shall not abuse the physician's position of trust by coercion, manipulation or fraudulent representation in the doctor-patient relationship which includes, but is not limited to:

(A) Engaging in sexual misconduct which consists of sexual behavior that occurs during the doctor-patient relationship. Chiropractic physicians shall terminate the doctor-patient relationship before dating or having a sexual relationship with a patient. Such termination shall be done in writing and signed by both the patient and the chiropractic physician and placed in the patient's record. This paragraph shall not apply to chiropractic physicians treating their spouses.

(B) Engaging in sexual impropriety which consists of behavior, verbal or physical, that is suggestive, seductive, harassing, intimidating or demeaning to a patient.

(C) Engaging in sexual violation which consists of physical contact, whether or not initiated by the patient, that is sexual or may be reasonably interpreted as such.

~~(13)~~ (14) Chiropractic physicians shall not violate any lawful order of the Board previously entered in a disciplinary hearing or fail to comply with a lawfully issued subpoena of the Board.

~~(14)~~ (15) Chiropractic physicians shall not make statements which in any way reflect against a fellow licensee including statements which imply superiority over another licensee.

## SUBCHAPTER 8. ANIMAL CHIROPRACTIC DIAGNOSIS AND TREATMENT

### 140:15-8-1 Certificate of a chiropractor and animal chiropractic diagnosis and treatment

(a) A chiropractic physician may engage in 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 if the animal has been referred to the chiropractic physician by a licensed veterinarian.

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

- (1) use of x-rays
- (2) performing surgery
- (3) dispensing or administering of medications, or
- (4) performance of traditional veterinary care.

(c) The Board is charged by statute to establish educational criteria for certification standards in animal chiropractic diagnosis and treatment. According, the Board states that the following educational criteria will be applied to any licensed chiropractic physician who requests certification in animal chiropractic diagnosis and treatment, The criteria shall include education and training in:

- (1) Anatomy, including sacropelvic, thoracolumbar, cervical and extremity;
- (2) Equine and canine adjustments;
- (3) Topographical laboratory;
- (4) Chiropractic basis, including history and systems review, subluxation, and vertebral subluxation complex;
- (5) Veterinary basics, including anatomy as it relates to restraint and positioning, physiology, and pharmacology, metabolic and contagious diseases and lameness;
- (6) Chiropractic and neurological diagnosis;
- (7) Radiology and biomechanics;
- (8) Proficiency in basic technique;
- (9) Pathology;
- (10) Podiatry, including lower limb dissection;
- (11) Chiropractic and veterinary philosophy;
- (12) Professional ethics and legalities; and
- (13) Identification of animals.

(d) Any licensed chiropractic physician requesting certification in animal chiropractic diagnosis and treatment shall have completed no less than 150 hours of education and training education as set forth above.

(e) Any chiropractic physician engaged in the practice of animal chiropractic shall maintain complete and accurate records and/or patient files in their office for a minimum of three years.

**140:15-8-2 Continuing education hours**

(a) Each doctor of chiropractic in the State of Oklahoma who is registered with the Board pronouncing that said chiropractic physician is engaged in the practice of animal chiropractic diagnosis and treatment must re-register and submit a sworn statement of hours of continuing education completed during the concluding licensing period. Every three (3) years after original registration, each applicant shall submit documentation of completion of a total of 20 hours of continuing education during the three (3) year period. These hours are in addition to the annually required 16 hours.

(b) Upon successful demonstration of these requirements, the Board shall continue the applicant's name on the registry of chiropractic physicians who are certified to engage in the practice of animal chiropractic diagnosis and treatment. Each Chiropractor certified in animal chiropractic diagnosis and treatment applying for renewal of a license related to animal chiropractic diagnosis and treatment shall have completed a minimum of (6) hours annually, in addition to the required sixteen (16) hours of the Act. The continuing education course attended for purposes of satisfying this rule shall be approved by the Board prior to attendance by the chiropractic physician.

**SUBCHAPTER 9. CHIROPRACTIC SPECIALTIES****140:15-9-1. Oversight Authority**

The Board shall have practice oversight authority for all post-doctorate ~~Diplomate~~ chiropractic specialties. No chiropractic physician shall represent to the public that he/she is a specialist in any area unless said chiropractic physician is registered with the Board. The Board shall review all post-doctorate ~~Diplomate~~ specialty registration applications and shall approve those applications that meet Board requirements. The Board shall maintain a registry listing all chiropractic physicians who are approved by the Board.

**140:15-9-2. Specialty Register**

Chiropractic physicians shall not be registered by the Board as a post-doctorate specialist ~~Diplomate~~ specializing in any activity unless they have received certification for that specialty from a specialty council, specialty board, approved by the International Chiropractic Association or the American Chiropractic Association, or its equivalent specialty board or council or institution approved by the Board.

**140:15-9-3. Educational Requirements**

(a) ~~Specialty training must~~ Chiropractic Physician's seeking Diplomate Specialty status shall meet the following criteria to qualify for inclusion in the Board's Board of Chiropractic Examiners' Registry. The course of study shall must:

- (1) be conducted under the auspices of and taught by the post-graduate faculty of a an accredited chiropractic institution
- (2) consist of a minimum of three hundred (300) hours;
- (3) require completion of a certification examination given by a board independent of the entity which taught the course;
- (4) meet any other criteria that the respective council requires; and
- (5) meet any other criteria the Board deems appropriate.

(b) Non-Diplomate Specialty education shall meet the requirements and guidelines established by the institution, specialty council, or specialty board granting the certificate to the chiropractic physician.

**140:15-9-4. Initial Registration Requirements**

(a) Any doctor of chiropractic in the State of Oklahoma who desires to hold himself or herself out to the public as being a post-doctorate specialist ~~Diplomate~~ in an area must first register with the Board ~~of Chiropractic Examiners~~. Initial registration requires a Chiropractic Physician to submit the following to the Board:

- (1) a completed application on a form provided by the Board
- (2) the specialty registration fee, as set by the Board;
- (3) documentation of specialty ~~Diplomate~~ status issued by the ~~Diplomate Board~~ specialty council or institution, verifying that the licensee has met the protocols, guidelines, standards, and ~~continuing education~~ educational hours required by the respective specialty council, specialty board, or institution.

(b) Upon a successful demonstration of these requirements, the Board ~~of Chiropractic Examiners~~ shall add the applicant's chiropractic physician's name to the registry.

**140:15-9-5. Annual Re-registration Requirements**

(a) Each doctor of chiropractic in the State of Oklahoma who holds himself or herself out to the public as being a post-doctorate specialist ~~Diplomate~~ in an area must re-register with the Board of chiropractic Examiners and submit to the Board on or before December 31<sup>st</sup> of each year shall re-register with the Board if the granting institution, specialty council, or specialty board who granted the chiropractic physician the specialty certificate requires re-certification or renewal of the certificate. The chiropractic physician shall re-register the renewed specialty certification by providing the information required by the Board upon the next chiropractic physician's annual chiropractic license renewal application.

- (1) the post doctorate Diplomate re-registration fee, as set by the Board; and
- (2) documentation of Diplomate status issued by the respective council, verifying that the licensee has met the protocols, guidelines, standards, and continuing educational requirements established by the respective council.
- (b) Upon a successful demonstration of these requirements, the Board of Chiropractic Examiners shall allow continue the applicant's name on the registry.

#### **140:15-9-6. Prohibited Acts**

- (a) Only those chiropractic physicians holding a post-doctorate specialty certificate Diplomate in post-graduate training and certification programs recognized by the respective specialty council and the Board, specialty board, or institution Board may hold themselves out to the public as possessing special knowledge, skills or training as a post-doctorate specialist Diplomate. Any advertisement which states that a chiropractic physician has special training or skills as being certified in a post-doctorate specialty Diplomate not recognized by the respective specialty council and the Board, specialty board, or institution is engaged in deceptive and misleading advertising practices;
- (b) Any chiropractic physician who advertises a specialty not recognized by the Board shall prominently include in the advertisement the following disclaimer in capital letters: "(NAME OF ANNOUNCED AREA OF CHIROPRACTIC PRACTICE...IS NOT RECOGNIZED AS A SPECIALTY AREA BY THE OKLAHOMA BOARD OF CHIROPRACTIC EXAMINERS)"
- (b) ~~It shall be prohibited by the Board of Chiropractic Examiners for any person to advertise as a post doctorate Diplomate without first being on the Board of Chiropractic Examiners Specialty Registry:~~
- (c) Any chiropractic physician who advertises membership in or certification by any institution or entity not recognized by the Board, shall prominently include in the advertisement the following disclaimer in capital letters: "(NAME OF REFERENCED ORGANIZATION)...IS NOT RECOGNIZED AS A BONA FIDE SPECIALTY ACCREDITING ORGANIZATION BY THE OKLAHOMA BOARD OF CHIROPRACTIC EXAMINERS)"
- (d) A chiropractic physician may advertise limited certificates of attendance otherwise known as limited certificates of proficiency or limited attendance announcements at the Board discretion without registering them with the Board. The Board recognizes limited certificates of this nature granted by product and equipment supplies in conjunction with healthcare educators whose products and equipment are used to carry out the delivery of healthcare without granting the chiropractic physician a certification of diplomate specialty. Certificates of this limited nature are not required to be registered with the Board. A chiropractic physician shall not advertise such certificates in a manner misrepresenting or implying in any way that this type of certificate prepared the chiropractic physician to hold himself or herself out as being certified in or obtaining a diplomate specialty.

### **SUBCHAPTER 10. ACUPUNCTURE**

#### **140:15-10-1. Registration from the Board**

No chiropractic physician shall represent to the public that he/she is a specialist in the practice of Acupuncture and/or Meridian Therapy unless said chiropractic physician holds a registration issued by the Board stating that the chiropractic physician is proficient in Acupuncture and/or Meridian Therapy. The Board shall maintain a registry listing all chiropractic physicians who are authorized by the Board. This rule does not apply to persons licensed to practice chiropractic in Oklahoma who graduated from a chiropractic institution on or before January 1, 2000.

#### **140:15-10-2. Application for registration; educational requirements**

- (a) Any chiropractic physician who desires to represent to the public he/she is a specialist in Acupuncture and/or Meridian Therapy shall make application, on a form prescribed by the Board, for registration for such purpose. Each such chiropractic physician shall submit to the Board documentary evidence of satisfactory completion of at least one hundred (100) hours of education in Acupuncture and/or Meridian Therapy. Such education shall be obtained through an educational program which is subject to or has been approved by the Board and meets the following criteria:
- (1) Is conducted under the auspices of and taught by the postgraduate faculty of a fully accredited chiropractic college or institution, by a school of acupuncture recognized by the National Council of Acupuncture Schools and Colleges or by a school of acupuncture recognized by the Accreditation Commission for Acupuncture and Oriental Medicine.
  - (2) Requires completion of a certification examination approved by the Board independent of the entity which taught the course, and
  - (3) Meets other such criteria as the Board deems appropriate.
- (b) Upon successful demonstration of these requirements, the Board shall list the chiropractic physician's name on the registry.

**SUBCHAPTER 11. HOMEOPATHY****140:15-11-1. Registration from the Board**

Only a chiropractic physician who has satisfactorily completed education in homeopathy and has received a certificate in homeopathic medicine from an accredited chiropractic institution and upon registration from the Board, may hold himself or herself out to the public as a specialist certified in homeopathic medicine. This rule does not apply to persons licensed to practice chiropractic in Oklahoma who graduated from a chiropractic institution on or after January 1, 2000.

**140:15-11-2. Application for registration; educational requirements**

(a) Any chiropractic physician who desires to represent to the public that he/she is a specialist in homeopathy shall make application, on a form prescribed by the Board. Each such chiropractic physician shall submit to the Board documentary evidence of satisfactory completion of education in homeopathic medicine. Such education shall be obtained through an educational program which is subject to or has been approved by the Board.

(b) Upon a successful demonstration of these requirements, the Board shall list the chiropractic physician's name on the registry.

**SUBCHAPTER 12. NATUROPATHY****140:15-12-1. Registration from the Board**

Only a chiropractic physician who has satisfactorily completed education in naturopathy and has received a certificate in naturopathic medicine from an accredited chiropractic institution and upon registration from the Board, may hold himself or herself out to the public as a specialist certified in naturopathic medicine. This rule does not apply to persons licensed to practice chiropractic in Oklahoma who graduated from a chiropractic institution on or after January 1, 2000.

**140:15-12-2. Application for registration; educational requirements**

(a) Any chiropractic physician who desires to represent to the public that he/she is a specialist in naturopathy shall make application, on a form prescribed by the Board. Each such chiropractic physician shall submit to the Board documentary evidence of satisfactory completion of education in naturopathic medicine. Such education shall be obtained through an educational program which is subject to or has been approved by the Board.

(b) Upon a successful demonstration of these requirements, the Board shall list the chiropractic physician's name on the registry.

**CHAPTER 20. ADVISORY COMMITTEE****Section**

140:20-1-1.	Scope and application; re-creation of Advisory Committee
140:20-1-2.	Nominations
140:20-1-3.	Qualifications for nomination; permission
140:20-1-4.	Appointment
140:20-1-5.	Term of office; limitations; new appointments
140:20-1-6.	Removal from the Advisory Committee

[Authority: 59 O.S. § 161.6]

**140:20-1-1. Scope and application; re-creation of Advisory Committee**

~~(a) This Subchapter describes the procedures for nomination, qualifications for nomination, appointment, term of office, removal and other matters related to the membership of the Advisory Committee, as authorized by Section 161.6 of the Act.~~

~~(b) Upon the promulgation of this Chapter, the Advisory Committee which existed prior to promulgation shall be automatically dismissed from its duties, and the Board shall immediately thereafter undertake the appointment of an Advisory Committee pursuant to this Chapter.~~

**140:20-1-2. Nominations**

(a) The Board shall cause notice to be given to each state chiropractic association of the time period, not less than thirty (30) days, during which the Board shall accept nominations for membership on the Advisory Committee to be named by the Board. The Board shall also notify each chiropractic physician in this state of the same time period in which unaffiliated chiropractic physician in this state of the same time period in which unaffiliated chiropractic physicians may submit nominations for membership on the Advisory Committee. This may be accomplished by notice in the agenda of a regular or special meeting of the Board.

(b) Each state association and each unaffiliated chiropractic physician may submit a list of ten (10) chiropractic physicians and three (3) lay persons as nominees for membership on the Advisory Committee.

**140:20-1-3. Qualifications for nomination; permission**

Chiropractic physician nominees for membership on the Advisory Committee shall meet all statutory requirements.

**140:20-1-4. Appointment**

During an open meeting of the Board, the Board shall review all nominations and select four (4) chiropractic physicians for the chiropractic positions on the Advisory Committee and one (1) lay member. Each appointee shall be notified immediately by the Secretary-Treasurer of his appointment to the Advisory Committee.

**140:20-1-5. Term of office; limitations; new appointments**

In the event a member of the Advisory Committee resigns from his or her position, is removed from the position, is no longer qualified for the position, or is otherwise unable to fulfill the duties of that office, the secretary-Treasurer shall undertake such action as is necessary for the appointment of a member of the Advisory Committee to fill said member’s position on the Advisory Committee

**140:20-1-6. Removal from the Advisory Committee**

Committee member shall serve at the pleasure of the Board.

**CHAPTER 25. CHIROPRACTIC UNDERGRADUATE PRECEPTORSHIP PROGRAMS**

**Subchapter**

1.	General Provisions .....	140:25-1-1
3.	Preceptorship .....	140:25-3-1

[Authority: 59 O.S., § 161.6]

**SUBCHAPTER 1. GENERAL PROVISIONS**

**Section**

140:25-1-1.	Purpose
140:25-1-2.	Definitions
140:25-1-3.	Gender
140:25-1-4.	Statutory citations

**140:25-1-1. Purpose**

The purpose of this Chapter is to establish standards, qualifications and responsibilities for interns, preceptors and accredited chiropractic colleges which participate in the Chiropractic Undergraduate Preceptorship Program pursuant to §161.17 of the Act.

**140:25-1-2. Definitions**

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

“**Accredited chiropractic college**” means a chiropractic educational institution which is accredited by the Commission on Accreditation of the Council on Chiropractic Education, a national, independent accreditation body recognized and approved by the U.S. Department of Education.

“**Act**” means the Oklahoma Chiropractic Practice Act, 59 O.S. 1991, §§161.1 et seq.

“**Advisory Committee**” means the committee appointed by the Board to advise and assist the Board in the investigation of the qualifications for licensure, complaints as the conduct of chiropractic physicians, and for such other matters as the Board delegate to them.

“**Board**” means the Board of Chiropractic Examiners.

“**Chiropractic physician**” or “**licensee**” means a person who holds an original license to practice chiropractic in this state.

“**Experience**” or “**practicum education experience**” means the specific education program developed for an intern under the on-site supervision of a preceptor.

“**Intern**” means a student at an accredited chiropractic college who participates in the program.

“Preceptor” means a chiropractic physician who participates in the program and provides on-site supervision and evaluation of an intern in a clinical setting for hands-on training.

“Program” means the Chiropractic Undergraduate Preceptorship Program.

**140:25-1-3. Gender**

As used in this Chapter, the masculine gender shall be deemed to include the feminine gender.

**140:25-1-4. Statutory citations**

Citations to statutes in this Chapter refer to the most recent codification of the statute.

**SUBCHAPTER 3. PRECEPTORSHIP**

**Section**

140:25-3-1.	Preceptor; application to the Board
140:25-3-2.	Intern; application to the Board
140:25-3-3.	Experience planning
140:25-3-4.	Standards and qualifications for a preceptor
140:25-3-5.	Responsibilities of preceptor
140:25-3-6.	Responsibility of college
140:25-3-8.	Miscellaneous provisions

**140:25-3-1. Preceptor; application to the Board**

A chiropractic physician who desires to participate in the program as a preceptor shall make application to the Board, on a form prescribed by the Board, for approval as a preceptor. If the Board finds that said chiropractic physician meets the standards and qualification set forth in 140:25-3-4, the application shall be approved by the board and said chiropractic physician shall be notified of such approval in writing by the Secretary-Treasurer of the Board. If the application is disapproved by the Board, said chiropractic physician shall be notified by the Secretary-Treasurer of the Board of such disapproval together with the reason or reasons therefore fully stated in writing.

**140:25-3-2. Intern; application to the Board**

A student at an accredited chiropractic college who desires to participate in the program as an intern shall make application to the Board, on a form prescribed by the Board, for approval as an intern.

(1) The application shall be accompanied by:

- (A) Certification by an official of the student’s college that the student has satisfactorily completed the prerequisite portion, as determined by the college, of the curriculum at the college to qualify said student for participation as an intern in the Program; and
- (B) A money order, certified check or cashier’s check, payable to the Board, in the amount of Thirty-five Dollars (\$35.00), as payment of the application fee, which shall not be refundable under any circumstances.

**140:25-3-3. Experience planning**

The organization, content, duration and weekly schedule of each intern’s Practicum Education Experience shall be jointly developed by the designated representative of the intern’s college and the preceptor at least one month prior to the beginning of the Experience.

**140:25-3-4. Standards and qualifications for a preceptor**

A chiropractic physician who desires to participate in the program as a preceptor shall meet the following standards and qualifications:

- (1) hold an original licenses and current renewal license;
- (2) have a minimum of three (3) years of experience as a practicing chiropractic physician;
- (3) have a chiropractic practice with a minimum of fifty (50) patient visits per week;
- (4) have a chiropractic office, clinic or facility with a professional appearance. Such office, clinic or facility must be approved in writing by the intern’s college and shall be subject to the approval and inspection by the Board and/or Advisory Committee;
- (5) utilize the following procedures in chiropractic practice:

- (A) taking a patient's medical history;
  - (B) physical examination of a patient; and
  - (C) diagnostic procedures where indicated;
- (6) have current, valid malpractice insurance, which shall include under its coverage the intern; and
- (7) the ability to supervise no more than on (1) intern per semester.

**140:25-3-5. Responsibilities of preceptor**

A preceptor shall have the following responsibilities to the intern, the intern's college, and the Board:

- (1) to confer with the designated representative of the college prior to the beginning of each experience to develop the organization, content, duration and weekly schedule of the intern's experience;
- (2) to maintain complete records of the intern's performance and provide an evaluation to the college on a form provide by the college and approved by the Board;
- (3) to permit, upon reasonable request, and inspection by the college or the Board, or both, of:
  - (A) the preceptor's chiropractic office, clinic, or facility;
  - (B) services available for the experience;
  - (C) the intern's records; and
  - (D) any other items related to the experience;
- (4) to submit in writing to the college the name and professional credentials of all persons who assist with the experience at the preceptor's office, clinic or facility;
- (5) to notify the college and the Board of any change of a preceptor;
- (6) to provide a detailed list of the intern's duties in the preceptor's chiropractic office, clinic or facility to the inter, the college and the Board;
- (7) to provide the intern with a schedule of weekly office hours with a minimum of twenty-five (25) hours per week; and
- (8) to provide immediate, on-site preceptor supervision of the intern if the intern is allowed to provide or assist in the provision of any therapeutic services or procedures, including, but not limited to, chiropractic adjustment(s) and injections.
- (9) to provide immediate notice to the Board of Chiropractic Examiners of any change of status during the course of the internship.

**140:25-3-6. Responsibilities of intern**

An intern shall have the following responsibilities to the intern's college, the preceptor and the Board:

- (1) to provide a current telephone number and address of his location in the state to the preceptor and the Board within a reasonable time after arrival, and to provide any change of telephone number or address to the preceptor and the Board within twenty-four (24) hours after any such change;
- (2) to complete any appropriate forms requested by the college or the Board;
- (3) to serve as an intern for the period of time specified by the college for the purpose of augmenting his competence in all areas of the practice of chiropractic;
- (4) to follow all policies and procedures of the preceptor's chiropractic office, clinic or facility;
- (5) to wear proper attire at the preceptor's chiropractic office, clinic or facility;
- (6) to provide his own transportation and living arrangements;
- (7) to report to the preceptor on time; and
- (8) to refrain from submitting for publication any material related to the experience without prior written approval of the preceptor and the college.
- (9) to provide immediate notice to the Board of Chiropractic Examiners of any change of status of intern during the course of the internship.

**140:25-3-8. Miscellaneous provisions**

- (a) An intern shall be allowed to perform only those duties which are lawful and ethical in the practice of chiropractic.
- (b) Any incident reports related to an intern's experience shall be maintained by the preceptor and shall be the sole property of the preceptor, except as may be otherwise provided by law; provided, however upon receipt of a written request by the intern's college or the Board, the preceptor shall provide to the college or the Board a copy of such report.
- (c) A preceptor may request an intern's college to withdraw from an experience any intern:
  - (1) whose performance, conduct, demeanor, or willingness to cooperate with co-workers or to serve patients in unsatisfactory;

- (2) whose personal characteristics prevent desirable relationships with the preceptor's chiropractic office, clinic or facility; or
- (3) whose health status is a detriment to the intern's experience.
- (d) A preceptor shall not be liable for the payment of any wage, salary or compensation of any kind for services performed by any instructor, supervisor or other person associated with the intern's college, and a preceptor shall not be required to cover any such person in any manner under his Worker's Compensation insurance policy.
- (e) In an emergency, as determined by a preceptor in his sole discretion, said preceptor shall have the right to summarily relieve an intern from a specific assignment or to summarily request an intern to leave the preceptor's chiropractic office, clinic or facility, pending determination of the intern's future assignment by the intern's college.