

TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS
CHAPTER 10. LICENSURE OF CHIROPRACTIC PHYSICIANSPHYSICIANS

RULEMAKING ACTION:

Notice of proposed Permanent rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 3. Application, Examination and Licensing [AMENDED]

Subchapter 5. Procedures for Renewal Licenses [AMENDED]

Subchapter 8. Administrative Fees and Penalties

SUMMARY:

The proposed revisions to chapter 140:10-1-2 adding “state or national chiropractic and accredited chiropractic college to amend the current definition of License Renewal Program. Adding language to the definition of Relocation of Practice to designate what type of license and removing the word “meet” and replacing with “satisfies all of” for better structure of the definition. 140:10-3-1 provides clarification that payment for the application can be done through the Board’s online portal and amends the fee from \$175.00 to \$300.00 and the examination fee is also eliminated in this section. The changes in the rules as supported in the amendments set forth in SB 49 during the 2021 legislative session. 140:10-3-5 provides for clarification that payment for the relocation of practice license can be done through the Board’s online portal and amends the fee for the application to \$300.00 with eliminates the fee for examination and submission of fees by cashiers check payable to the Board. 140:10-5-1 Provides language regarding statement of non-attendances which outlines requirements for multiple statements filed for license renewals in consecutive or consecutive years. The purpose of this amendment is to attempt to eliminate statements of non-attendances filed consecutively by the same licensees over and over. The amendment does provide for additional fees to submit consecutive statements of non-attendances in addition to the current fee established of \$100.00. 140:10-5-3 states that the reinstatement fee cannot exceed \$400.00, therefore allowing the Board to set the fee of \$100.00 for reinstatement and no more than \$400.00 for reinstatement if a licensee is administratively suspended due to non-compliance with license renewal requirements. 140:10-8-1 amends the fees for applications and eliminates the examination fee as supported in the amendments set forth in SB 49, it also provides the structure of fees for the statements of non-attendance.

AUTHORITY:

59 O.S. Supp 2008, SEC.; Board of Chiropractic Examiners

COMMENT PERIOD:

Written comments will be accepted February 15, 2022 through March 17, 2022 Oklahoma Board of Chiropractic Examiners. 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma 73103, Attn: Beth Kidd

PUBLIC HEARING:

Public hearing is scheduled on March 24, 2022 at 10:00 a.m., at the 421 N.W. 13th Street, Suite 100, Oklahoma City, Oklahoma 73103 Telephone 405-522-3400.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma Board of Chiropractic Examiners, 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma 73103. Telephone 405-522-3400.

RULE IMPACT STATEMENT:

The rule impact statement may be obtained from the Oklahoma Board of Chiropractic Examiners, 421 NW 13th Street, Suite 180, Oklahoma City, Oklahoma 73103. Telephone 405-522-3400.

CONTACT PERSON:

Beth Kidd (405) 522-3400

TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS
CHAPTER 10. LICENSURE OF CHIROPRACTIC ~~PHYSICIAN~~PHYSICIANS

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 ~~a~~ a state or national chiropractic association or accredited chiropractic college 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 an Oklahoma chiropractic license who ~~meets~~ satisfies all of the following conditions:

- (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 Oklahoma chiropractic 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.

"Renewal license" means a license issued by the Board on or before the first day of July 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.

SUBCHAPTER 3. APPLICATION, EXAMINATION AND LICENSING

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) a copy of the applicant's diploma from chiropractic school college, or program accredited by an accrediting agency either recognized by the U.S. Secretary of Education, except as provided in (b) and (c) of this ~~Section~~ rule;
- (3) Payment for the application will be made through the Board's online application portal in the amount of Three Hundred Dollars (\$300.00) ~~A money order, certified check or cashier's check payable to the Board in the amount of One Hundred Seventy-Five Dollars (\$175.00) as payment of the application fee.~~ Such fee is not refundable under any circumstances.

(b) An applicant who has graduated from a chiropractic program outside the United States must have completed an educational program leading to a degree in chiropractic from an institution authorized to operate by the government having jurisdiction in which it is domiciled. The applicant must submit a diploma or equivalent documentation of successful completion of the program as certified by an official of the institution or the government having jurisdiction. All credentials, diplomas, and other documentation submitted to the Board in a foreign language shall be accompanied by a notarized English translation. The applicant shall provide satisfactory evidence of meeting the requirements for permanent residence or temporary non-immigrant status as set forth by the United States Citizenship and Immigration Services.

(c) 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 with 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.

(d) 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.

~~(e) A fee of One Hundred Seventy-Five Dollars (\$175.00) as payment for the examination if approved by the Board of Chiropractic examiners. Such fee is not refundable under any circumstances.~~

~~(f)~~(e) The Board shall expedite the process of licensure for those applicants who are active duty military personnel and their spouses. The Board shall issue a license within thirty (3) days of receipt of a completed application if the conditions set forth in 10-3-1 are met. The application fee for the military member and spouse are waived.

~~140:10-3-3. Examination Fee~~

~~Each application for an original license shall be accompanied by a non-refundable examination fee of One Hundred Seventy-Five Dollars (\$175.00) 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. Prior to approval of an application, the Board may authorize the Executive Director to issue a temporary license to an applicant who has submitted a completed application and who, upon payment of the examination fee, has passed the required examination with a score acceptable by the Board. A temporary license shall authorize the applicant to practice chiropractic in Oklahoma between the submission of the application and applicant's approval for licensure by the Board. A temporary license shall expire upon the Board's approval of a permanent license or ten (10) calendar days following the Board's denial of an application for permanent license.

(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) Payment for the application will be made through the Board's online application portal in the amount of Three Hundred Dollars \$300.00) —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) 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;

(3) Submit documentary evidence to the board that the applicant has been in active practice for three (3) years immediately preceding the date of application.

~~(4) A money order, certified check or cashier's check payable to the Board, in the amount of Three Hundred~~

~~Fifty Dollars (\$350.00) 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 applicants 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 Executive Director, 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.

(i) The Board shall expedite the process of licensure for those applicants who are active duty military personnel and their spouses. The Board shall issue a license within thirty (30) days of receipt of a completed application if the conditions set forth in 10-3-1 are met. The application fee for the military member and spouse are waived.

SUBCHAPTER 5. PROCEDURES FOR RENEWAL LICENSES

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 July of each year hereinafter, an annual renewal fee of Two Hundred Seventy-Five (\$275.00), which shall be accompanied by;

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

(2) ~~A statement on a Statement of Non-attendance form, created and approved by the Board, containing:~~ completed by the licensee, which shall include and be accompanied by:

(A) A One Hundred Dollar (\$100.00) late fee and the sworn statement of the licensee which shall include the following affirmations: 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~~

~~(3)(B)~~ In the event the licensee has failed to complete the annual number of continuing education hours required for renewal for a consecutive year or years, the licensee shall submit an additional Statement of Non-attendance form as required by (a)(2)(A) of this Rule for each consecutive year of non-compliance, 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.

(A) In addition to the required annual renewal fee of Two Hundred Seventy-Five Dollars (\$275.00), each consecutive subsequent Statement of Non-attendance shall be accompanied by Two Hundred Dollars (\$200.00).

(b) The Board shall, upon receipt of the renewal license fee, and upon determination of compliance with the requirements 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 timecards 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) Distance learning whether offered in-state or out-of-state, online or correspondence from program approved by the Board may also satisfy eight (8) hours of out-of-state continuing education.

(f) Subject to the provisions of Section 140:10-5-2 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.

(g) Licensee on active duty as a member of the Armed Forces of the United States.

(1) In accordance with Title 59, O.S., Section 4100.6 of the Post-Military Service Occupation, Education and Credentialing Act, while a licensee is on active duty the License may be renewed without payment of the renewal fee and without showing completion of the continuing education requirement. Such waiver shall be requested in writing to the Board prior to the license expiration along with evidence of the order for active duty. The license issued pursuant to this rule may be continued as long as the licensee is a member of the Armed Forces of the United States on active duty and for a period of at least one (1) year after discharge from active duty. Upon discharge from active duty and a request for license activation, the licensee shall submit to the Board evidence of successful completion of the continuing education requirement for the current renewal term.

(2) If a license on active duty does not request such a waiver in writing the license is suspended by operation of law, the applicant may provide the Board the documentation as required in subparagraph (1) of this subsection no later than one (1) year after discharge from active duty in order to remove the suspension and reactivate the license.

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 chiropractic association or accredited chiropractic college or other entity which desires to present a continuing chiropractic education program required for license renewal.
- (c) The Board shall maintain a list of all applicants that notify the Board of an intent to present a continuing chiropractic education program for license renewal. It shall be the duty of each applicant to inform the Board of any change of address or name.
- (d) 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 an application form to be used by a chiropractic association or accredited chiropractic college 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 or accredited chiropractic college. An applicant or accredited chiropractic college 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) During the meeting provided for in paragraph (b) of this Section, each applicant 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.
- (h) 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 entity 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.
- (i) 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.
- (j) All programs approved by the Board shall be open to all persons.

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

- (a) In the event that a licensee fails to obtain a renewal license on or before the first day of July of each year, the original license of such licensee shall shall lapse or be suspended as provided for at Section 161.11 of Title 59 of the Oklahoma Statutes. The Board may reinstate the original license of such person upon the payment of all fees due, plus a penalty fee in the amount provided for in the Board's fee schedule, and upon presentation to the Board of satisfactory evidence of compliance with the

continuing education requirements and any other education or training which the Board, in its discretion, deems necessary.

(b) If the Board receives notice from the Oklahoma Tax Commission that a licensee is not compliant with the Oklahoma income tax law pursuant to Section 238.1 of Title 68 of the Oklahoma Statutes, the license of that physician shall not be renewed but shall automatically be suspended pursuant to Section 161.11 of the Act. The suspension shall begin July 1 of the renewal year and shall not be lifted until:

(1) the Board receives notice from the Oklahoma Tax Commission that the license has come into compliance with Oklahoma income tax law; and

(2) the licensee has paid a reinstatement fee not to exceed Four Hundred Dollars ~~of \$400.00~~

SUBCHAPTER 8. ADMINISTRATIVE FEES AND PENALTIES

140:10-8-1. Fees

Fee Schedule.

(1) Examination. The following fees shall be assessed for licensure and examination of Chiropractors:

(A) Original license: ~~\$300.00~~ ~~\$175.00~~

(B) Relocation of Practice: ~~\$300.00~~ ~~\$175.00~~

~~(C) Examination Fee: \$175.00~~

(2) Licensure. The following fees shall be assessed for licensure of Chiropractors:

(A) Renewal fee active license \$275.00

(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 \$150.00

(3) Duplication or modification of license. A fee of \$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: \$35.00

(B) Verification of licensure: \$10.00 per license

~~(C) Duplication of proof of license renewal: \$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 \$35.00 hard copy and/or diskette

(H) Search fee for records requested for commercial purposes: \$30.00

(I) Continuing education application fee: \$300.00

(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 \$50.00

(N) Non-attendance application request \$100.00

1. Additional \$100.00 for each consecutive non-attendance application.

(O) Certified chiropractic assistant fees:

(i) Initial Application fee: \$50.00

(ii) Examination fee: \$50.00

(iii) Certification Renewal: \$50.00 every two years

- (iv) Failure to renew penalty: \$25.00
- (P) Initial Determination of Licensure Eligibility: \$95.00