OKLAHOMA BOARD OF CHIROPRACTIC EXAMINERS
421 NW 13TH, STREET, SUITE 180, OKLAHOMA CITY, OKLAHOMA 73103
(405) 522-3400 Office
(866) 245-2748 Fax

CHIROPRACTIC PRACTICE ACT UNOFFICIAL COPY

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Section 161.1 - Oklahoma Chiropractic Practice Act.

Sections 161.1 through 161.20 of Title 59 of the Oklahoma Statutes shall be known and may be cited as the "Oklahoma Chiropractic Practice Act".

Section 161.2 - Chiropractic Defined - Scope of Practice.

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

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

Section 161.3 - Terms Defined.

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

1. "Accredited chiropractic college" means a chiropractic educational institution which is accredited by 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, or its successor;

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

   a. use of x-rays,

   b. performing of surgery,

   c. dispensing or administering of medications, or
   d. performance of traditional veterinary care;

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

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

5. "Certified chiropractic assistant" means an unlicensed member of a chiropractic physician's team of healthcare workers who may assist a chiropractic physician in the performance of examination and therapeutic procedures and techniques necessary to deliver healthcare services to patients within the scope of chiropractic; **Effective 11/1/2011**

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

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

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

9. "Nonclinical" means of a business nature including, but not limited to, practice management, insurance information, and computer information. It shall also mean the discussion of philosophy as it relates to the performance of chiropractic; **Effective 11/1/2011**

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

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

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

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

A Board of Chiropractic Examiners is hereby re-created to continue until July 1, 2016, in accordance with the provisions of the Oklahoma Sunset Law. The Board shall regulate the practice of chiropractic in this state in accordance with the provisions of the Oklahoma Chiropractic Practice Act. The Board, appointed by the Governor, shall be composed of eight chiropractic physicians and one lay member representing the public.

B. Each chiropractic physician member of the Board shall:

1. Be a legal resident of this state;

2. Have practiced chiropractic continuously in this state during the five (5) years immediately preceding appointment to the Board;

3. Be free of pending disciplinary action or active investigation by the Board;

4. Be a person of recognized professional ability, integrity and good reputation; and

5. Be in active clinical chiropractic practice at least fifty percent (50%) of the time.

C. The lay member of the Board shall:

1. Be a legal resident of this state; and

2. Not be a registered or licensed practitioner of any of the healing arts or be related within the third degree of consanguinity or affinity to any such person.

D. The Governor shall appoint members to the Board and for terms of years as follows:

1. Position 1: Upon expiration of the term of the board member whose term expires November 2, 2006, the Governor shall appoint a board member from District 1 for a term of four (4) years to expire on November 1, 2010, and every four (4) years thereafter;

2. Position 2: Upon expiration of the term of the board member whose term expires November 1, 2005, the Governor shall appoint a board member from District 2 for a term of four (4) years to expire on November 1, 2009, and every four (4) years thereafter;

3. Position 3: Upon expiration of the term of the board member whose term expires June 7, 2007, the Governor shall appoint a board member from District 3 for a term of four (4) years to expire on June 1, 2011, and every four (4) years thereafter;

4. Position 4: Upon expiration of the term of the board member whose term expires November 1, 2007, the Governor shall appoint a board member from District 4 for a term of four (4) years to expire on November 1, 2011, and every four (4) years thereafter;

5. Position 5: Upon expiration of the term of the board member whose term expires June 7, 2008, the Governor shall appoint a board member from District 5 for a term of four (4) years to expire on June 1, 2012, and every four (4) years thereafter;

6. Position 6: On June 1, 2005, the Governor shall appoint a board member from District 6 for a term of one (1) year to expire on June 1, 2006, and every four (4) years thereafter;

7. Position 7: On November 1, 2005, the Governor shall appoint a board member from District 7 for a term of three (3) years to expire on November 1, 2008, and every four (4) years thereafter;

8. Position 8: Upon expiration of the term of the board member whose term expires June 7, 2005, the Governor shall appoint a board member from the state at large for a term of four (4) years to expire on June 1, 2009, and every four (4) years thereafter; and

9. Position 9: The lay member of the Board shall serve a term coterminous with that of the Governor.

E. For the purpose of the Oklahoma Chiropractic Practice Act, the state shall be divided into the following districts:

1. District 1: Alfalfa, Beaver, Beckham, Caddo, Cimarron, Custer, Dewey, Ellis, Grant, Greer, Garfield, Harmon, Harper, Jackson, Kiowa, Major, Noble, Roger Mills, Texas, Washita, Woods and Woodward Counties;

2. District 2: Tulsa County;

3. District 3: Kay, Logan, Lincoln, Osage, Pawnee, Payne and Pottawatomie Counties;

4. District 4: Carter, Comanche, Cotton, Garvin, Grady, Love, Murray, Jefferson, Stephens and Tillman Counties;

5. District 5: Blaine, Canadian, Cleveland, Kingfisher, McClain and Oklahoma Counties;

6. District 6: Atoka, Bryan, Coal, Choctaw, Creek, Hughes, Johnston, Latimer, LeFlore, Marshall, McCurtain, Okfuskee, Pittsburg, Pontotoc, Pushmataha and Seminole Counties; and

7. District 7: Adair, Cherokee, Craig, Delaware, Haskell, Mayes, McIntosh, Muskogee, Nowata, Okmulgee, Ottawa, Rogers, Sequoyah, Wagoner and Washington Counties.

Members appointed after June 2002, shall serve no more than two (2) consecutive terms.

F. Each member shall hold office until the expiration of the term of office for which appointed or until a qualified successor has been duly appointed. An appointment shall be made by the Governor within ninety (90) days after the expiration of the term of any member, or the occurrence of a vacancy on the Board due to resignation, death, or any other cause resulting in an unexpired term.

G. Before assuming duties on the Board, each member shall take and subscribe to the oath or affirmation provided in Article XV of the Oklahoma Constitution, which oath or affirmation shall be administered and filed as provided in the article.

H. A member may be removed from the Board by the Governor for cause which shall include, but not be limited to:

1. Ceasing to be qualified;

2. Being found guilty by a court of competent jurisdiction of a felony or any offense involving moral turpitude;

3. Being found guilty, through due process, of malfeasance, misfeasance or nonfeasance in relation to Board duties;

4. Being found mentally incompetent by a court of competent jurisdiction;

5. Being found in violation of any provision of the Oklahoma Chiropractic Practice Act; or

6. Failing to attend three meetings of the Board without just cause, as determined by the Board.

I. No member of the Board shall be:

1. A registered lobbyist; or

2. An officer, board member or employee of a statewide organization established for the purpose of advocating the interests of chiropractors licensed pursuant to the Oklahoma Chiropractic Practice Act; or

3. An insurance claims adjuster, reviewer, or consultant; provided , however, a person shall not be considered to be a consultant solely for testifying in a court as an expert witness

Section 161.5 - Meetings - Duties of Officers - Bond - Liability.

A. The Board of Chiropractic Examiners shall organize annually at the first meeting of the Board after the beginning of each fiscal year, by electing from among its members a president, a vice- president and a secretary-treasurer. The Board shall hold regularly scheduled meetings at least once each quarter at a time and place determined by the Board, and may hold such special meetings, emergency meetings, or continued or reconvened meetings as found by the Board to be expedient or necessary. A majority of the Board shall constitute a quorum for the transaction of business.

B. The president shall preside at meetings of the Board, arrange the Board agenda, sign Board orders and other required documents, coordinate Board activities and perform such other duties as may be prescribed by the Board.

C. The vice-president shall perform the duties of the president during the president's absence or disability and shall perform such other duties as may be prescribed by the Board.

D. The secretary-treasurer shall be responsible for the administrative functions of the Board and shall submit at the first regular meeting of the Board after the end of each fiscal year, a full itemized report of the receipts and disbursements for the prior fiscal year, showing the amount of funds on hand.

E. The Board shall act in accordance with the provisions of the Oklahoma Open Meeting Act, the Oklahoma Open Records Act, and the Administrative Procedures Act.

F. All members of the Board and such employees as determined by the Board shall be bonded as required by Sections 85.26 through 85.31 of Title 74 of the Oklahoma Statutes.

G. The liability of any member or employee of the Board acting within the scope of Board duties or employment shall be governed by the Governmental Tort Claims Act.

H. Members of the Board shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties in accordance with the State Travel Reimbursement Act.

I. All fees, charges, reimbursement minimums and other revenue-generating amounts shall be set by the Board by rule.

Section 161.6 - Powers of Board - Advisory Committee.

A. Pursuant to and in compliance with Article I of the Administrative Procedures Act, the Board of Chiropractic Examiners shall have the power to formulate, adopt and promulgate rules as may be necessary to regulate the practice of chiropractic in this state and to implement and enforce the provisions of the Oklahoma Chiropractic Practice Act.

B. The Board is authorized and empowered to:

1. Establish and maintain a procedure or system for the certification or accreditation of chiropractic physicians who are qualified in chiropractic post-doctorate Diplomate and all other chiropractic specialties;

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

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

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

5. Purchase office furniture, equipment and supplies;

6. Employ, direct, reimburse, evaluate, and dismiss such office personnel, as may be necessary, in accordance with state procedures;

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

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

9. Employ one or more investigators, as needed, for the sole purpose of investigating written complaints regarding the conduct of chiropractic physicians, and fix and pay their salaries or wages. Any investigator shall be certified as a peace officer by the Council on Law Enforcement Education and Training and shall have statewide jurisdiction to perform the duties authorized by this section; **Effective 11/01/2011**

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

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

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

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

14. Establish policies for Board operations;

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

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

17. Assess chiropractic applicants the cost for a criminal background check. The criminal background checks required by this section shall follow the requirements of Section 1-1950.1 of Title 63 of the Oklahoma Statutes;

18. Out-of-state licensed chiropractic physicians may travel into Oklahoma to treat patients for special events, including but not limited to sporting events and state emergencies within the borders of Oklahoma after properly registering with the Board of Chiropractic Examiners; and

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

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

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

a. Investigating the qualifications of applicants for an original license to practice chiropractic in this state;

b. Investigating written complaints regarding the conduct of chiropractic physicians, including alleged violations of the Oklahoma Chiropractic Practice Act or of the rules of the Board, and

c. Such other matters as the Board shall delegate to them.

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

E. 1. After an initial complaint is received by the Board, the Advisory Committee specified in subsection D of this section shall meet and determine whether the complaint merits further investigation. The focus and scope of an investigation shall pertain only to the subject of the complaint. **Effective 11/01/2011**

2. The Advisory Committee may utilize the services of an investigator employed or contracted by the Board pursuant to this section. An investigator shall have the authority to investigate a complaint only upon directive of a simple majority of the Advisory Committee or the chair of the Advisory Committee. **Effective 11/01/2011**

3. The findings of the investigator shall be presented to the Advisory Committee. The Advisory Committee shall review and determine whether the findings of the investigator and/or the Advisory Committee shall be presented to the Board for possible further action. **Effective 11/01/2011**

F. The Board shall promulgate rules regarding the issuance of field citations and the assessment of administrative penalties no later than July 1, 2012. Administrative penalties for field citations shall not exceed Two Hundred Fifty Dollars ($250.00) for a first offense and One Thousand Dollars ($1,000.00) for a second or subsequent offense. **Effective 11/01/2011**

Section 161.7 - Applications for Original License by Examination to Practice Chiropractic.

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

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

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

4. If the application is approved, the applicant, upon payment of an examination fee of <u>One</u> Hundred Seventy-Five Dollars ($175.00)., may take an examination administered by the Board for the purpose of securing an original license. The Board may accept a passing score on an examination administered by the National Board of Chiropractic Examiners taken by the
applicant, or may require the applicant to take an examination administered by the Board or both.

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

1. A course of standard high school education;

2. Ninety (90) semester hours of college credits in a college or university whose credits are accepted by the University of Oklahoma. For students enrolled in an accredited Doctor of Chiropractic Degree Program on the effective date of this act, proof of having earned a minimum of sixty (60) semester hours of college credits at an institution for which credits are accepted by the University of Oklahoma shall meet the requirements of this paragraph;

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

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

5. Passing an examination with seventy-five percent (75%) or better.

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

D. An applicant for an original license shall provide full disclosure to the Board of any disciplinary action taken against the applicant in any state pursuant to licensure and/or criminal proceedings including, but not limited to, pleading guilty or nolo contendere to, or being convicted of, a felony, a misdemeanor involving moral turpitude, or a violation of federal or state controlled dangerous substance laws.

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

F. The Board shall issue an original license to those applicants who have passed the required examination with a score acceptable to the Board. No license fee shall be charged by the Board for the balance of the calendar year in which such a license is issued.

Section 161.8 - Examination Subjects.

If an examination is administered by the Board of Chiropractic Examiners, it shall include those technical, professional and practical subjects that relate to the practice of chiropractic including, but not limited to, chiropractic principles, anatomy, histology, physiology, symptomatology, orthopedia, chemistry, spinography, diagnosis, sanitation and hygiene, pathology, public health service and adjustology. The Board shall also examine each applicant in the art of chiropractic adjusting, x-ray, diagnostic laboratory procedures, physiological therapeutics and other subjects taught by accredited chiropractic colleges.

Section 161.9 - Applications for Original License by Relocation to Practice Chiropractic.

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

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

1. That the applicant is of good moral character;

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

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

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

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

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

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

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

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

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

a. pleading guilty, pleading nolo contendere or receiving a conviction of a felony,

b. pleading guilty, pleading nolo contendere or receiving a conviction for a misdemeanor involving moral turpitude, or

c. pleading guilty, pleading nolo contendere or receiving a conviction for violation of federal or state controlled dangerous substance laws;

4. Comply with the jurisprudence assessment of this state;

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

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

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

Section 161.10a-Continuing Education Programs and Courses

A. At least ninety (90) calendar days prior to offering a continuing education course in Oklahoma, an association shall submit to the Board for approval:

1. An application to provide continuing education in this state;

2. The agenda for the continuing education seminar;

3. The professional background of the instructors; and

4. A summary of the courses to be taught at the continuing education seminar.

B. No later than thirty (30) days after submission of the application, the Board of Chiropractic Examiners shall either approve or reject the continuing education seminar.

C. A continuing education program shall offer seminars providing continuing education on those subjects within the scope of practice of chiropractic as well as those technical, professional, and practical subjects that relate to the practice of chiropractic as included in Section 161.8 of Title 59 of the Oklahoma Statutes. Instructors at continuing education seminars may sell products as long as the sale of such products is ancillary to the purpose of the seminar.

D. Each year a chiropractic physician must attend sixteen (16) hours of continuing education. Twelve (12) hours must be within the scope of practice of chiropractic as well as those technical, professional, and practical subjects that relate to the practice of chiropractic as included in Section 161.8 of this title. A maximum of four (4) hours may be non-clinical in nature.

E. Beginning January 1, 2006, a maximum of eight (8) hours of the annual Oklahoma continuing education requirements may be obtained by a continuing education program outside this state if the out-of-state continuing education program is approved by the Board.

F. Chiropractic physicians who have not been in active practice during the previous year shall be exempt from that calendar year's continuing education requirements. However, prior to returning to active practice, the chiropractor must have attended the required continuing education during the previous calendar year.

G. All licensed chiropractic physicians must attend a minimum of eight (8) hours of in-state continuing education programs approved by the Board of Chiropractic Examiners.

H. Beginning January 1, 2005, the Board shall waive the in-state attendance requirements for continuing education, if the licensee was prevented from attending by illness or extenuating circumstances, as determined by the Board.

Section 161.11 - Renewal License Fee.

A. 1. Beginning January 1, 2005:

a. except as provided in subsection B of this section, every person holding an original license to practice chiropractic in this state shall pay to the Board of Chiropractic Examiners, on or before July1 of each year, a renewal license fee of Two Hundred Twenty-five Dollars ($225.00), and

b. an inactive nonresidents holding an original license to practice chiropractic in Oklahoma and who has filed a statement with the Board that the licensee is not actively engaged in the practice of chiropractic in this state and shall not engage in the practice of chiropractic in this state during the succeeding year, shall pay to the Board, on or before July1 of each year, a renewal license fee of One Hundred Seventy-five Dollars

($175.00).

c. an inactive resident holding an original license to practice chiropractic in Oklahoma, and who has filed, or on whose behalf has been filed, a statement with the Board that because of illness, infirmity, active military service or other circumstances as approved by the Board, the licensee is unable to actively engage in the practice of chiropractic during the succeeding year, shall pay to the Board a renewal license fee of One Hundred Dollars ($100.00), and

d. a person holding an original license, but who is sixty-five (65) years of age or older who has filed a statement with the Board that the licensee is not actively engaged in the practice of chiropractic in this state and shall not engage in the practice of chiropractic in this state during the succeeding year, shall pay to the Board a renewal licensee fee of Fifty Dollars ($50.00).

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

3. Beginning January 1, 2006, every chiropractic physician who is actively engaged in the practice of chiropractic in this state shall submit to the Board documentary evidence that the chiropractor has malpractice insurance and maintains such insurance twelve (12) months of each year when practicing in this state. Any licensee who is not actively engaged in practice in this state, shall be exempt from providing proof of malpractice insurance.

B. Subject to the laws of this state and rules promulgated pursuant to the Oklahoma Chiropractic Practice Act, the Board shall, upon determination that a licensee has complied with the requirements of subsection A of this section, issue a renewal license to said licensee.

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

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

2. If within sixty (60) calendar days after July1 the licensee pays the renewal fee, and the reinstatement fee set by the Board, the license may be reactivated.

3. If sixty (60) calendar days elapse and the license is not reinstated, the license shall automatically be suspended for failure to renew.

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

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

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

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

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

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

1. Minimum and maximum administrative fines;

2. Periods of suspension, probation or supervision;

3. Terms and conditions of probation; and

4. Terms and conditions for the reinstatement of an original license or renewal license, or both.

Section 161.12 - Grounds for Imposing Penalties.

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

1. Disapproval of an application for a renewal license;

2. Revocation or suspension of an original license or renewal license, or both;

3. Restriction of the practice of a chiropractic physician under such terms and conditions as deemed appropriate by the Board;

4. An administrative fine not to exceed One Thousand Dollars ($1,000.00) for each count or separate violation;

5. A censure or reprimand; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13. Violating any of the rules of the Board.

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

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

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

Section 161.12a - Registration as Chiropractic Claims Consultant

A chiropractic physician who desires to act as a chiropractic claims consultant shall register with the Board of Chiropractic Examiners on a form prescribed by the Board. The Board shall issue a certificate to the chiropractic physician entitling them to act as a chiropractic claims consultant in this state

Section 161.13 - Suspension because of Incompetence.

A. The Board of Chiropractic Examiners is authorized, after notice and opportunity for a hearing, pursuant to Article II of the Administrative Procedures Act, to issue an order suspending the original license or renewal license, or both, of a chiropractic physician whenever the Board finds, by clear and convincing evidence, that the chiropractic physician has become incompetent to practice chiropractic because of mental illness. Commitment of a chiropractic physician to an institution for the mentally ill shall be considered prima facie evidence of his incompetency to practice chiropractic because of mental illness.

B. Any chiropractic physician who has his original license or renewal license, or both, suspended under the provisions of this section shall have the right to seek a judicial review of the order pursuant to Article II of the Administrative Procedures Act.

C. The Board, on its own motion or on the application of a chiropractic physician whose original license or renewal license, or both, have been suspended under the provisions of this section, is authorized, on proper showing that the chiropractic physician's competency to practice chiropractic has been restored, to reinstate the license or licenses at any time; provided, however, reinstatement shall not be made while the chiropractic physician is confined in an institution for the mentally ill. No reinstatement fee shall be charged by the Board for the reinstatement of any license which has been suspended under the provisions of this section.

Section 161.14 –Requirement of License-Penalty for Violation.

A. Any person who shall practice or attempt to practice chiropractic in this state, or who shall hold himself or herself out to the public as a practitioner of chiropractic in this state, without having first obtained an original license to practice chiropractic from the Board of Chiropractic Examiners, or after the original license to practice chiropractic has been revoked, or while such original license is under suspension, shall be deemed guilty of a misdemeanor and upon conviction shall be punishable by a fine of not less than Five Hundred Dollars ($500.00) nor more than Two Thousand Dollars ($2,000.00), or by imprisonment in the county jail for not less than five (5) days nor more than thirty (30) days, or by both such fine and imprisonment. Each day of such violation shall constitute a separate and distinct offense.

B. The Board of Chiropractic Examiners is hereby authorized to apply to a court of competent jurisdiction for an order enjoining an unlicensed person from practicing chiropractic or holding himself or herself out as a practitioner of chiropractic. Any injunctive relief granted by the court shall be without bond.

Section 161.15 - Doctors of Chiropractic Governed by Public Health Laws.

Doctors of chiropractic shall be bound by all the provisions of the Oklahoma Public Health Code that apply to them, and shall be qualified to sign:

1. Death certificates, pursuant to Section 1-317 of Title 63 of the Oklahoma Statutes; and

2. All other certificates, including those relating to public health, the same as doctors of medicine and surgery and doctors of osteopathic medicine, and with like effect.

Section 161.16 - Administration of Chiropractic Education Scholarship Program.

A. A Chiropractic Education Scholarship Program, to be administered by the Board of Chiropractic Examiners, is hereby created. Chiropractic education scholarships may be awarded each fiscal year to persons approved by the Board for the study of chiropractic leading to the attainment of the degree of doctor of chiropractic. To be eligible to receive a scholarship a person must:

1. Be a legal resident of this state for not less than five (5) years prior to the date of submitting an application to the Board;

2. Meet all requirements and academic standards established by the Board;

3. Attend an accredited chiropractic college; and

4. Demonstrate satisfactory progress in the study of chiropractic.

B. Preference in the granting of such scholarships shall be given to those individuals with the highest weighted scholastic averages, provided they are persons of high integrity and character and are found by the Board to have those qualities and attributes which give a reasonable assurance of their pursuing to completion the course of study required for a degree of doctor of chiropractic. The scholarships shall be awarded in an amount not to exceed Six Thousand Dollars ($6,000.00) each year per student. No student shall be given more than four (4) annual scholarships. The Board is authorized to accept any federal, state, county or private funds, grants or appropriations to be used to award such scholarships to qualified persons.

Section 161.17 - Chiropractic Undergraduate Preceptorship Program - Establishment.

A Chiropractic Undergraduate Preceptorship Program, in conjunction with accredited chiropractic colleges, shall be established by the Board of Chiropractic Examiners, who may appoint five (5) chiropractic physicians to administer the program.

Each intern in the program shall pay a nonrefundable fee of Thirty-five Dollars ($35.00) to the Board each trimester the intern participates in the program.

The Board shall by rule establish standards, qualifications and responsibilities for interns, preceptors and accredited chiropractic colleges participating in the program.

Section 161.18 - Oklahoma Chiropractic Code of Ethics - Creation - Responsibilities.

Chiropractic physicians may be listed in all publications as:

1. Physicians, Chiropractic;

2. Chiropractors; or

3. Doctors of Chiropractic.

Section 161.20 - Board of Chiropractic Examiners' Revolving Fund - Creation.

There is hereby created in the State Treasury a revolving fund for the Board of Chiropractic Examiners, to be designated as the "Board of Chiropractic Examiners' Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Board pursuant to the provisions of the Oklahoma Chiropractic Practice Act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Board for the purpose of implementing and enforcing the provisions of the Oklahoma Chiropractic Practice Act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims signed by the secretary-treasurer of the Board or by an authorized employee or employees of the Board and filed as prescribed by law with the Director of State Finance for approval and payment.

Part II - TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS

NEW RULES EFFECTIVE 09/11/2015

CHAPTER 1. ADMINISTRATIVE ORGANIZATION AND OPERATIONS

Subchapter		Section
1.	General Provisions	140:1-1-1
3.	Board Purpose and Organization	140:1-3-1
5.	Procedures	140:1-5-1
7.	Declaratory Rulings	140:1-7-1

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

SUBCHAPTER 1. GENERAL

PROVISIONS Section

140:1-1-1. Purpose
140:1-1-2. Definitions
140:1-1-3. Gender
140:1-1-4. Statutory citations
140:1-1-5. State Associations

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 Administrative Procedures Act

140:1-1-2. 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 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.

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

"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.

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

"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 Bard 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 andshall 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 event 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 deposition 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 statue.

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) All such petitions shall be in writing and filed with the Executive Director. Petitions to the Board for declaratory rulings shall be in the following form and contain the following information:

(1) Petitions shall be submitted in legible typewritten form, with the original copy submitted, and shall be submitted in person or by mail to the Executive Director

(2) Petitions must clearly identify the submitting party or parties by name, address, official title (if any), and complete business address and must include a clear statement reflecting the interest of the submitter(s) in such petition and the real party(ies) of interest if the submission is by an agent or attorney.

(3) Every petition must clearly state that such is for issuance of a declaratory ruling as to the applicability of a specifically identified rule or order. A petition may pertain to only one subject area and individual petitions are required for separate subjects. Separate petitions may be required for individual sections of rules.

(4) If the petition requests a declaratory ruling of the Board as to a rule, the complete verbatim text of the existing rule shall be restated therein or attached as an appendix to the petition. If the petition pertains to a request for a declaratory ruling of a previous order of the Board, a copy of the previous order shall be clearly referred to or attached as Appendix to the Petition and the petition shall clearly identify the pertinent portions of such order which is the subject of the request.

(5) All petitions must be signed and endorsed by the petitioning party(ies) or their legal representative(s) and notarized.

(c) Petitions which are not in proper form or which lack the necessary reasonable basis for consideration by the Board will be returned to the submitter(s) or may be summarily denied

(d) 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.

(e) 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.

(f) 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~~ 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.

"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.

SUBCHAPTER 3. FILING AND DISPOSITION OF COMPLAINTS

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 made against a member of the Board or the Advisory Committee that 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) After a complaint is received by the Board, the Advisory Committee shall meet and determine whether the complaint merits further investigation. The Advisory Committee may utilize the services of an investigator who

shall have the authority to investigate a complaint only upon directive of a simple majority of the Advisory Committee or the chair of the Advisory Committee.

(d) 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 (h), (i) and (j) of this section.

(e) 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.

(f) The amount of time for investigation of a complaint received by the Board by the Advisory Committee shall not exceed thirty-six (36) months.

(g) 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 thirty (30) calendar days ~~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 the person(s) who the chiropractic physician named in the complaint believes may have filed the complaint.

(h) 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.

(1) The Executive Director may issue a field citation pursuant to 140:3-3-9 and thereafter submit a written report to the Board detailing the facts concerning the citation, or;

(2) The Executive Director, a member of the Advisory Committee or the investigator shall submit a written report to the Board detailing the findings and determinations of the Advisory Committee or investigator and making a recommendation in its written report as to further action by the Board.

(i) 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.

(j) 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 or Title 140 of the Oklahoma Administrative Code;

(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 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.

(k) 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 provided 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.

(b) A copy of each letter of concern issued by the Board shall be placed in the complaint file. Letters of concern shall be considered confidential record but may be 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 admisitrative 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 at least annually, the Board shall cause to the 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 members 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.

140:3-3-9. Field Citations

(a) At the conclusion of an investigation of a complaint filed with the Board, the Executive Director may issue a field citation to the chiropractic physician named in the complaint if the Executive Director or the Advisory Committee have reasonable cause to believe that the chiropractic physician violated the provisions of the Chiropractic Practice Act (the "Act") or Title 140 of the Oklahoma Administrative Code (the "OAC"). The Executive Director will thereafter submit a written report to the Board detailing the facts concerning the citation.

(b) Field citations shall be in writing and shall describe the nature of the violation including, but not limited to, a reference to the provision of the Act and/or the OAC alleged to have been violated.

(c) Field citations may contain an order of abatement fixing a reasonable time for abatement of the violation and may contain an assessment of an administrative penalty not to exceed Two Hundred Fifty Dollars ($250.00) for a first offense and One Thousand Dollars ($1,000.00) for a second or subsequent offense. Each day such violation continues shall constitute a separate offense.

(d) Field citations shall be served upon the chiropractic physician personally or by certified mail, return receipt requested.

(e) Before any field citation is issued to a chiropractic physician, the Executive irector shall submit the alleged violation for review and examination to the Advisory Committee. The Advisory Committee during its review may contact the chiropractic physician to discuss and resolve the alleged violation. Upon conclusion of the Advisory Committee's review, the Committee shall prepare a written report and a recommendation. If the Committee concludes that reasonable cause exists that the chiropractic physician has violated any provisions of the Act or the OAC, an administrative penalty may be assessed upon the chiropractic physician. Payment of an administrative penalty shall be represented as satisfactory resolution of the matter for the purpose of public disclosure.

(f) Any chiropractic physician who has received a field citation and desires to contest that field citation and/or the proposed assessment of an administrative penalty shall, within thirty (30) calendar days after service of the field citation, notify the Executive Director in writing, requesting an informal conference with the Advisory Committee. If the chiropractic physician fails to request an informal conference within thirty (30) calendar days after service of the field citation, the field citation and/or the proposed assessment of the administrative penalty shall be deemed to be final and not subject to further review.

(g) If an informal conference is requested, the Advisory Committee shall hold the informal conference within sixty (60) calendar days from the receipt of the written request. At the conclusion of the informal conference, the Executive Director may affirm, modify or dismiss the field citation and/or proposed assessment of an administrative penalty. The Executive Director shall state in writing the reasons for the action, and shall, within thirty (30) calendar days of the informal conference, transmit a copy of the decision to the chiropractic physician and the person who submitted the complaint.

(h) Any chiropractic physician who desires to contest a decision made after the informal conference shall inform the Executive Director in writing within thirty (30) calendar days after such chiropractic physician receives the decision resulting from the informal conference. The Board shall thereafter hold a hearing in accordance with the APA, the Act and the OAC. After the hearing, the Board shall issue an Order affirming, modifying or vacating the citation, or directing other appropriate relief as the Board deems necessary.

(i) Any chiropractic physician who has received a field citation and desires not to contest that field citation or the proposed assessment of an administrative penalty may transmit to the Board the amount assessed in the citation as an administrative penalty, within thirty (30) calendar days after service of the field citation. Payment of any penalty shall not constitute an admission of the violation charged.

(j) Failure of a chiropractic physician to pay a penalty within thirty (30) calendar days of the date of assessment, unless the field citation is being appealed, may result in action being taken by the Board. When a citation is not contested and a fine is not paid, the full amount of the assessed penalty shall be added to the fee for the renewal of the license. A license shall not be renewed without payment of the renewal fee and penalty.

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	140:10-5-1
7.	Preceptorship	140:10-7-1
	[REVOKED].....	

[**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 through140:10-3-4; or

(B) by relocation of practice pursuant to § 161.9 of the Act and140:10-3-5.

"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 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.

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]

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) 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 Seventy-Five Fifty Dollars ($175.00) 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 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.

(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 Seventy-Five Fifty Dollars ($175.00) 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 Seventy-Five Fifty 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
(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 Fifty Dollars ($350.00) ($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

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 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) 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.

~~(e)~~(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.

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 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 institution 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 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 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 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 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: $175.00
(B) Relocation of Practice: $175.00
(C) Examination Fee: $175.00

(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 $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
(O)
(P) Certified chiropractic assistant fees:
(i) Initial Application fee: $50.00
(ii) Examination fee: $50.00
(iii) Certification Renewal: $50.00 every two years
(Q)
(R)
(S)

(O, Q, R and S are intentional left black per OAR (Oklahoma Administrative Rules)

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

SUBCHAPTER 5. AUTHORIZATION FOR INJECTABLES

140:15-5-1. Authorization from the Board

No chiropractic physician shall administer or cause to be used any injectable vitamins, minerals or nutritional supplements unless said chiropractic physician 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 chiropractic physician who seeks authorization from the Board. However any authorization 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; 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 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

140:15-5-4. Continuing education hours

(a) Effective July 1, 2014, each chiropractic physician in the State of Oklahoma who is authorized by the Board to administer and use injectable vitamins, minerals or nutritional supplements 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 six (6) hours of continuing education during the three (3) year period. The continuing education hours shall be related to the administering and use of injectable vitamins, minerals, and nutritional supplements. These hours are in addition to the annually required sixteen (16) hours of continuing education.

(b) Upon successful demonstration of these requirements, the Board shall continue the applicant's name on the registry of chiropractic physicians who are authorized by the Board to administer and use injectable vitamins, minerals or nutritional supplements.

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.

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 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.

(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.

(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) 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 tradition 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.

140: 15-8-3. Animal chiropractic certification card

(a) Effective November 1, 2011 all chiropractic physicians certified by the Board in the practice of animal chiropractic diagnosis and treatment shall be issued a certification card by the Board. Each certification card must contain:
(1) the original license number of the chiropractic physicians certified in animal chiropractic diagnosis and treatment;
(2) the chiropractic physicians animal chiropractic diagnosis and treatment certification number; and
(3) a passport style photo

(b) Each animal chiropractic physician shall carry the certification card with them at all times.

(c) The certification card is valid only as long as the chiropractic physician remains certified by the Board to engage in the practice of animal chiropractic diagnosis and treatment. If for any reason the chiropractic physician's certification is removed by the Board, the animal chiropractic certification card is to be returned to the Board within five (5) calendar days of receipt of notification that the chiropractic physician is no longer certified to practice animal chiropractic.

SUBCHAPTER 9. CHIROPRACTIC SPECIALTIES

140:15-9-1. Oversight Authority

The Board shall have practice oversight authority for all post-doctorate 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 specialty 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 specializing in any activity unless they have received certification for that specialty from a specialty council, specialty board or institution approved by the Board.

140:15-9-3. Educational Requirements

(a) Chiropractic Physician's seeking Diplomate Specialty status shall meet the following criteria to qualify for inclusion in the Board's Registry. The course of study shall
(1) be conducted under the auspices of and taught by the post-graduate faculty of 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 in an area must first register with the Board. 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 status issued by the specialty council or institution, verifying that the licensee has met the protocols, guidelines, standards, and educational hours required by the respective specialty council, specialty board, or institution.

(b) Upon a successful demonstration of these requirements, the Board shall add the 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 in an area 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.

(b) Upon a successful demonstration of these requirements, the Board shall 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 in post-graduate training and certification programs recognized by the respective specialty council specialty board, or institution may hold themselves out to the public as possessing special knowledge, skills or training as a post-doctorate specialist. Any advertisement which states that a chiropractic physician has special training or skills as being certified in a post-doctorate specialty not recognized by the respective specialty council, 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"

(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 chiropractic physicians ~~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; 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 college or institution recognized by the board and upon registration from the Board, may hold himself or herself out to the public as a specialist certified in homeopathic medicine.

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 college or institution recognized by the board and upon registration from the Board, may hold himself or herself out to the public as a specialist certified in naturopathic medicine.

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

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.

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 sate 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.	Inter; 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 form 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.

CHAPTER 30. CERTIFIED CHIROPRACTIC ASSISTANTS

SUBCHAPTER 1. GENERAL PROVISIONS

140:30-1-1. Purpose

The purpose of this Chapter is to:

(1) Establish a certification system and standards for the education and training of certified chiropractic assistants; and

(2) Establish various requirements and prohibitions related to the certification of chiropractic assistants found by the Board to be in the best interest of health, safety and welfare of the public.

140:30-1-2. 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.

"Board" means the Board of Chiropractic Examiners.

"Certified Chiropractic Assistant" (CCA) means an unlicensed member of a chiropractic physician's team of healthcare workers who may assist a chiropractic physician in the performance of examination and therapeutic procedures and techniques necessary to deliver healthcare services to patients within the scope of chiropractic~~.~~ and has been approved by the Board.

"Certified Chiropractic Assistant Applicant" means a person who is undergoing training to become a certified chiropractic assistant.

"Certified Chiropractic Assistant examination" means the testing procedures ~~administered by the sponsor's course presenter and~~ approved by the Board. ~~to determine if a chiropractic assistant has obtained knowledge on all of the following current statutes, rules, the ability to perform objective examination procedures, physiological therapeutics and rehabilitation, and the ability to augment historical and clinical patient information, thereby qualifying for certification.~~

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

" Nonclinical" means of a business nature including, but not limited to, practice management, insurance information, and

computer information. It shall also mean the discussion of philosophy as it relates to the performance of chiropractic.

"Supervisory chiropractic physician"means the chiropractic physician who employs or supervises the certified chiropractic assistant.

SUBCHAPTER 3. CERTIFIED CHIROPRACTIC ASSISTANT

140:30-3-1. Oversight Authority

The Board shall have practice oversight authority over certified chiropractic assistants. No chiropractic assistant shall represent to the public that he/she is a certified chiropractic assistant unless said chiropractic assistant is certified by the Board.

140:30-3-2. Application for certification

(a) Chiropractic assistants seeking certified chiropractic assistant status shall complete and submit an application on a form provided by the Board. The application shall contain the signature of the applicant's supervisory chiropractic physician and be accompanied by a nonrefundable application fee.

~~(b) The application to the Board shall be submitted within ninety (90) days of the date the applicant is hired by the supervisory chiropractic physician.~~ The applicant must complete the certification process and pass the certification examination as set forth in these rules within twelve (12) months of the date of ~~hire~~ examination. ~~If the applicant has not passed the examination by this point the applicant may continue to work only in a non-clinical position. They may no longer function as a chiropractic assistant even under the direct supervision of a chiropractic physician.~~

(b) ~~(c)~~ If an applicant is approved by the Executive Director, the applicant shall be notified by the Executive Director of such approval and will thereafter be eligible to take the certified chiropractic assistant examination.

(c)~~(d)~~ If an applicant is disapproved, the applicant shall be notified by the Executive Director of such disapproval by the return of the application along with the reason(s) for disapproval being fully stated in writing.

(d)~~(e)~~ A fraudulent or false statement as to any material fact which is contained in any application for the certification, or failure to provide any requested information, shall constitute sufficient cause for the disapproval of the application.

(e)~~(f)~~ The certified chiropractic assistant shall display his/her certificate in an area for public view.

140:30-3-3. Certified chiropractic assistant examination

(a) If an application to become a certified chiropractic assistant is approved by the Executive Director pursuant to 140:30-3-2, they must have taken a twelve ~~(12)~~ a four (4) hour training course approved by the Board before taking the certified chiropractic assistant exam. The applicant will have ~~two (2) opportunities to pass the exam~~ three (3) opportunities to pass the exam. If the exam is failed ~~twice~~ three times, the applicant will be required to take another four (4) ~~twelve (12)~~ hour course before he or she can retake the exam.

(b) A nonrefundable examination fee will be charged each time an applicant takes the certified chiropractic assistant examination.

(c) In order to pass the certified chiropractic examination, the applicant must receive a score of ~~seventy-five percent (75%)~~ sixty percent (60%) or higher.

(d) After certification, that certification will remain with the assistant even if the assistant leaves the employment of the supervisory chiropractic physician who employed the assistant at the time of certification.

~~(e) Certification status will remain with the assistant even if the assistant leaves the employment of the supervisory chiropractic physician who employed the assistant at the time of certification~~.

(e)~~(f)~~ If an applicant has a minimum of two thousand (2000) hours of full time employment as a chiropractic assistant employed by a licensed Oklahoma chiropractic physician, that applicant will be exempt from obtaining the ~~twelve (12)~~ four (4) hours of training prior to taking the examination the first time as required in paragraph (a) of this section. If the applicant is unable to pass the examination after ~~two (2) attempts~~ three attempts, the applicant must, at that time, successfully complete ~~twelve (12)~~ four (4) hours of training obtained at an educational program approved by the Board before taking the certified chiropractic assistant examination a ~~third~~ fourth time.

140:30-3-4. Continuing education

Each certified chiropractic assistant shall complete ~~six (6) hours~~ 2 hours of continuing education every two (2) years beginning the year following certification by the Board. Continuing education may be obtained by attending training offered by an accredited chiropractic college, or other educational program which has been approved by the Board.

140:30-3-5. Certification renewal

(a) Chiropractic assistant certifications shall be renewed within two years of January 1, 2013, following their original application issuance.

(b) Chiropractic assistant certifications which are issued after January 1, 2013 shall be renewed by the next January 1st two (2) years following certification.

(c) All certified chiropractic assistants must complete and submit a renewal form and a renewal fee along with verification of completion of approved continuing education by January 1 of the required recertification year.

(1) Failure to renew by January 1 will result in a penalty of twenty-five dollars ($25.00).

(2) Failure to renew by March 1 will result in forfeiture of certification and the employee must reapply and complete all the requirements for initial certification.

140:30-3-6. Responsibility of supervisory chiropractic physician

(a) The supervisory chiropractic physician shall only delegate services to a certified chiropractic assistant, ~~a certified chiropractic assistant applicant~~, and other employees which services are within the scope of practice of the chiropractic physician. Such delegation may only be made in a manner consistent with the Chiropractic Practice Act or Rules.

(b) The supervisory chiropractic physician is responsible for all acts or omissions of a certified chiropractic assistant, ~~certified chiropractic assistant applicant~~, or other employees to whom duties are delegated.

(c) The supervisory chiropractic physician shall ensure at all times that a certified chiropractic assistant~~, a certified chiropractic assistant applicant~~ and other employees have the necessary skills and training required to competently perform all delegated services.

140:30-3-7. Prohibited acts

(a) Certified chiropractic assistants and ~~certified chiropractic assistant applicants~~ other employees to whom duties are delegated by the supervisory physician shall not:

(1) Perform independent examinations

(2) Diagnose conditions

(3) Determine or change a regimen of patient care/plan case management

(4) Perform chiropractic manipulation or adjustments

(5) Perform Acupuncture

(6) Unlawfully disclose patient information

(7) Violate any portion of the Chiropractic Practice Act or Rules

(b) The Board may refuse to grant a certificate to any certified chiropractic assistant applicant, may suspend or revoke a certificate, or may impose upon a certified chiropractic assistant or a certified chiropractic assistant applicant, a penalty not to exceed one thousand dollars ($1,000.00) per occurrence upon finding a violation of any prohibited act as stated in 140:30-3-7.

(c) The supervising chiropractic physician is required to notify the Board, in writing of any dismissal of a certified chiropractic assistant or certified chiropractic applicant for a prohibited act within thirty (30) days of the dismissal.

(d) The supervising chiropractic physician is required to immediately notify the Board, in writing if the supervising chiropractic physician learns that a certified chiropractic assistant and certified chiropractic assistant applicant has:

(1) Committed fraud or misrepresentation in applying for or maintaining certification

(2) Plead guilty, nolo contendere or was convicted of:

(A) a felony

(B) a misdemeanor involving moral turpitude, or

(C) a violation of federal or state controlled dangerous substance laws;

DEFINITIONS:

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

"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.

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

"OAC" means the Oklahoma Administrative Code.

"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.

"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

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