

Part II
TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS

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CHAPTER 1. ADMINISTRATIVE ORGANIZATION AND OPERATIONS

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

SUBCHAPTER 1. GENERAL PROVISIONS

Section

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

The purpose of this Chapter is to:

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

140:1-1-2. Definition

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

“**Accredited Chiropractic College**” means a chiropractic educational institution, which is accredited by the Commission of Accreditation of the Council on Chiropractic Education.

“**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 applicant for licensure to the Board.

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

“**Chiropractic**” means the science and art the 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.

(A) Eight hours of the sixteen required by law must be clinical in nature, and the other remaining eight (8) may consist of practice management, philosophy , and or other non-clinical topics.

(B) Four (4) hours of continuing education may be acquired out of state with first having obtained a pre-approval from the Board of Chiropractic Examiners.

(C) Three (3) hours of continuing education may also be acquired by attending a National Chiropractic Meeting.

“**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

“**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.

“**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 of the Act and 140:10-3-1 through 140:10-3-4; or
- (B) by reciprocity 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.

“**Reciprocity**” 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 reciprocated 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 an oral interview and a practical examination given by the Board; and
- (F) The applicant meets all other requirements of the Oklahoma Chiropractic Practice Act.

“**Regular meetings**” means regular meetings of the Board held at such times and places as scheduled by the Board and includes continued and reconvened meeting 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 or rulemaking**” 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 radiologic 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.

[Source: Amended at 11 Ok Reg 4547, eff 8-25-94]

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.

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

- 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.
- The Board shall hold regular meetings at least once each quarter at a time and place determined by the Board and for which notice has been properly given to the Secretary of State pursuant to the Oklahoma Open Meetings Act.
- 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.
- 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 an absent, all matter 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.
- The minutes of each meeting, except for minutes of any proper executive or closed session, shall be open to public inspection and shall reflect the manner and time public notice of the meeting was provided as required by the Oklahoma Open Meeting Act.

140:1-3-3 Election of Board officers

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

140:1-3-4 Bonds

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

140:1-3-5 Objective of Board

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

140:1-3-6 Requests for information

- The Board shall act at all time 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 operation of the Board by submitting written, telephonic, facsimile or other form of request to the Executive Secretary 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 Secretary 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 request 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) keep a record of all proceedings of the Board and to certify actions of the Board;
- (2) receive and care for all monies received by the Board and cause same to be disbursed pursuant to orders of the Board and in accordance with state law;
- (3) submit, at the first regular meeting of the Board after the beginning of each fiscal year, a full, itemized report of the receipts and disbursements for the prior fiscal year, showing the amount on hand;
- (4) maintain a current roster of the name, license number and address of each chiropractic physician in this state;
- (5) maintain a docket of all reports of the Advisory Committee;
- (6) cause proper public notice of all meetings of the Board, in accordance with the Oklahoma Open Meeting Act, and provide notice of such meetings to the other member of the Board;
- (7) supervise office personnel employed by the Board;
- (8) file with the appropriate state officer or agency, after approval by the Board, all plans, programs, estimates of funds needed, or other information required of the Board pursuant to the provisions of 62 O.S.1991, §§41.1 et seq.; and
- (9) perform such other duties as are prescribed in the Act or by the Board.

140:1-3-10. Forms and instructions

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

SUBCHAPTER 5. PROCEDURES**Section**

- 140:1-5-1. Scope and application
- 140:1-5-2. Rule-making procedures
- 140:1-5-3. Filing of rules
- 140:1-5-4. Effective date
- 140:1-5-5. Petitions for rule-making
- 140:1-5-6. Board member not to communicate [REVOKED]
- 140:1-5-7. Procedures for complaints against licensees [REVOKED]
- 140:1-5-8. Disciplinary action [REVOKED]

140:1-5-9.	Discovery [REVOKED]
140:1-5-10.	Disqualifications of Board member in individual proceedings [REVOKED]
140:1-5-11.	Rehearing, reopening, or reconsideration of Board decision [REVOKED]
140:1-5-12.	Final orders; judicial review [REVOKED]
140:1-5-13.	Petitions for declaratory rulings [REVOKED]
140:1-5-14.	Conduct of hearings [REVOKED]
140:1-5-15.	Evidentiary considerations in individual proceedings [REVOKED]
140:1-5-16.	Proposed orders [REVOKED]
140:1-5-17.	Final order contents [REVOKED]
140:1-5-18.	Forms [REVOKED]

140:1-5-1. Scope and application

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

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

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

140:1-5-3. Filing of rules

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

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

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

- 140:1-5-6. Board members not to communicate
[REVOKED]
- 140:1-5-7. Procedures for complaints against licensees
[REVOKED]
- 140:1-5-8. Disciplinary action
[REVOKED]
- 140:1-5-9. Discovery
[REVOKED]
- 140:1-5-10. Disqualification of Board member in individual proceedings
[REVOKED]
- 140:1-5-11. Rehearing, reopening, or reconsideration of Board decision
[REVOKED]
- 140:1-5-12. Final orders; judicial review
[REVOKED]
- 140:1-5-13. Petition for declaratory rulings
[REVOKED]
- 140:1-5-14. Conduct of hearings
[REVOKED]
- 140:1-5-15. Evidentiary consideration in individual proceedings
[REVOKED]
- 140:1-5-16. Proposed orders
[REVOKED]
- 140:1-5-17. Final order contents
[REVOKED]
- 140:1-5-18. Forms
[REVOKED]

SUBCHAPTER 7. DECLARATORY RULINGS

Section

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

140:1-7-1. Scope and application

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

140:1-7-2 Petitions for declaratory rulings

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

CHAPTER 3. DISCIPLINARY PROCEDURES

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

[Authority: 59 O.S. § 161.1]

SUBCHAPTER 1. GENERAL PROVISIONS

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

140:3-1-1 Purpose

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

140:3-1-2 Definitions

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

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

“**Advisory Committee**” means the committee appointed by the Board to advise and assist the Board in the investigation of the qualifications for licensure, complaints as to the conduct of chiropractic physicians, and for such other matters as the Board delegate 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, Section 161.18 of the Act.

“**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

“**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

“**Letter of Concern**” means a letter issued by the Board to a chiropractic physician to advise said chiropractic physician of a probably 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 of the Act and 140:10-3-1 through 140:10-3-4; or
- (B) by reciprocity 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.

“**Reciprocity**” 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 reciprocated 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 an oral interview and a practical examination given by the Board; and
- (F) The applicant meets all other requirements of the Oklahoma Chiropractic Practice Act.

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

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

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

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

140:3-1-3. Gender

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

140:3-1-4. Statutory citations

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

SUBCHAPTER 3. FILING AND DISPOSITION OF COMPLAINTS

Section

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

140:3-3-1. Purpose

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

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

- (a) Any person may submit to the Board a complaint against a chiropractic physician. In the event a complaint is initiated by the member of the Board or the Advisory Committee and such complaint involves the member of the Board or the Advisory Committee to the extent that such member of the Board or Advisory Committee cannot render an impartial decision in the

matter, the member or the Board or Advisory Committee shall recuse himself from further action, investigation or other matter related to said complaint.

- (b) The Board shall make available a form which may be used for the filing of complaints.
- (c) Each complaint reviewed by the Board shall be investigated and a written report made to the Board as set forth in subsections (e), (f) and (g) of this section within six (6) months of receipt of the complaint by the Advisory Committee. No member of the Board shall review any complaint or discuss any complaint with any member of the Advisory Committee or any other person, including the complainant and the chiropractic physician named in the complaint, except that the Board may review the written report of the Advisory Committee as provided in (e), (f), and (g) of this section.
 - (1) No member of the Advisory Committee or the investigator may, in any way, discuss any complaint or the details therein with any person without order from the Board or a Court of competent jurisdiction. Discussion or disclosure of any complaint or information therein by an Advisory Committee member or investigator may result in that Advisory Committee member's removal from the investigation committee and other such sanction as the Board deems appropriate.
 - (2) The amount of time for investigation of a complaint received by the Board by the Advisory Committee may be extended beyond the six (6) month period of time upon a showing of good cause by either the complainant and /or the chiropractic physician named in the complaint.
- (d) Upon receipt of the complaint, the Advisory Committee or investigator shall provide the chiropractic physician named in the complaint with a copy of the complaint and shall require said chiropractic physician to provide a written response to the complaint within twenty (20) days of mailing of a copy of the complaint 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.
- (e) It shall be the duty of the Advisory Committee or investigator to investigate the complaint fully and in a manner consistent with due process requirements and the APA. At the conclusion of the investigation, the Advisory Committee or investigator shall submit a written report to the Board detailing the findings and determination of the Advisory Committee or investigator shall make a recommendation in its written report as to further action by the Board. The Advisory Committee may assign a complaint to an individual investigator employed by the Board on a part-time or full-time basis.
- (f) The written report of the Advisory Committee or investigator shall be drafted so as to keep anonymous the name of the Complainant and the chiropractic physician named in the complaint. The report shall include a brief recitation of the facts of the complaint and a statement whether the Advisory Committee or investigator found competent evidence to support the allegations contained in the complaint.
- (g) The Board shall review the report of the Advisory Committee or investigator at a meeting of the Board, for which the Executive Secretary shall give proper notice to the Complainant, the chiropractic physician named in the complaint, and any other interested party. 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 that there is not reasonable cause to believe that the chiropractic physician named in the complaint has committed a violation;
 - (2) issue a letter of concern, pursuant to 140:3-3-3, to the chiropractic physician named in the complaint if the Board finds that there is reasonable cause to believe that said chiropractic physician has committed a violation, but such violation, if proven, is not of such a nature as to warrant the imposition of a penalty by the Board; or
 - (3) initiate an individual proceeding, pursuant to 140:3-3-4, against the chiropractic physician named in the complaint if the Board finds that there is reasonable cause to believe that said chiropractic physician has committed a violation and that such violation, if proven, is of such a nature as to warrant the imposition of a penalty by the Board.
- (h) In the event the Board votes to issue a letter of concern in regard to a complaint, it shall thereupon be the duty of the Advisory Committee or investigator to provide the board sufficient details as to the nature of the complaint so as to assist the Board to render a meaningful letter of concern.

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

- (a) A letter of concern issued by the Board shall:
 - (1) Contain a clear and concise description of the violation alleged to have been committed by the chiropractic physician named therein;
 - (2) Contain a statement that the Board has found that there is reasonable cause to believe that the chiropractic physician named in the complaint has committed a violation;
 - (3) Contain an explanation of the factors considered by the Board and the Advisory Committee or investigator in the Board's decision to issue the letter of concern;
 - (4) Be signed by the President of the Board; and
 - (5) Be mailed by certified mail, return receipt requested, 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 permanent file of the chiropractic physician named in the complaint and in a separate file for disciplinary matters maintained by the Board. Letters of concern shall be considered public records.

140:3-3-4.

- (a) All individual proceedings/hearings shall be open to the public and shall be conducted in accordance with the Administrative Procedures Act of the Oklahoma Statutes.
- (b) The President of the Board shall set a time and place for the hearing provided that :
- (c) Notice of the hearing shall be given in writing by personal delivery to the person to be notified; or by mailing, certified mail, returned receipt requested, the last known address furnished to the Board; or notice may be given as is provided for process in the civil proceeding in the State of Oklahoma and pursuant to the Administrative Procedures Act, Title 75 O.S. Section 301 as amended.
- (d) The notice shall include a concise statement of the allegations and particular sections of the Oklahoma State Board of Chiropractic Examiners Rules and the Oklahoma Chiropractic Practice Act which are involved.
- (e) Each complainant and respondent called to a hearing before the Board shall be allowed to present documentary evidence. The Board, or its designee, shall appear in person and shall present the position of the Board in the Action.
- (f) Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the specialized knowledge of the one or more members of the Board.
- (g) Hearing will be conducted by one of the following methods as determined by the Board;
 - (1) By the Board;
 - (2) By any member of the Board or a designee of the Board acting as a hearing examiner or administrative law judge, or
 - (3) By an attorney licensed to practice law in this state appointed by the Board to act as a hearing examiner or administrative law judge.
- (h) Any hearing before the Board or its designee shall be recorded. The portion to the hearing constituting deliberations in executive session need not be recorded. A written transcript or a copy of the tape recording shall be made available to any person alleged to have committed a violation of the Act or Rules upon written request and payment of appropriate reimbursement cost for reproduction.
- (i) The Board or its designee shall rule upon the questions of admissibility of evidence, competency of witnesses, and any other questions of law upon which they have jurisdiction as provided in the State Board of Chiropractic Examiners Rules, the Oklahoma Chiropractic Act or Other applicable law.
- (j) All orders, whether proposed or final, shall be issued within sixty (60) calendar days of the hearing. Final orders shall state their effective date.
- (k) The board shall consider past disciplinary action taken against any accused found guilty in any present proceeding. Such past conduct shall not be evidence of guilty in the present proceeding but will be considered only in determining appropriate sanctions to be imposed by the Board in the present proceeding.
- (l) Unless precluded by law, the accused physician may waive any right granted in the law and proceed by stipulation, agreed settlement, consent order, or default. No provision in this section shall be construed as abeyance, any formal proceeding pending the outcome of informal negotiation or informally agreed upon terms.
- (m) The investigative files of the Advisory Committee and the Board shall be confidential as set forth in Title 51 O.S. Section 24A.12.
- (n) Any individual who has filed a complaint shall be notified of the disposition of the matter.
- (o) From time to time, the Board may employ lawyers licensed to practice law in Oklahoma to serve as special prosecutors in individual proceedings before the Board.
 - (1) Any individual serving as special prosecutor shall not serve as legal counsel to the Board in the same individual proceeding.
 - (2) The special prosecutor may perform such other duties as are assigned by the Board.

140:3-3-5. Determination of Penalties

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

- (1) **Consequences to the public.** If potential or actual damage to the health, safety or welfare of the general public is more likely than not to occur as a result of acts or omissions by the licensee, the Board may impose a more severe punishment than if such damage is less likely to occur.
- (2) **Consequences to the patient.** If potential or actual damage to the health, safety, or welfare of the patient on whose behalf the complaint is brought is more likely than not to occur as a result of acts or omissions by the licensee, the Board may impose a more severe punishment than if such damage is less likely to occur.
- (3) **Intent.** If it is evident from the facts presented that the violation may be deemed by the Board to be intentional on the part of the licensee if the violation:
 - (A) Occurred as the result of negligence on the part of the licensee; or
 - (B) Was part of a pattern of extreme or ongoing carelessness as to be without regard for the health, safety or welfare of the general public or a patient; or

- (C) Violated the principles of the Chiropractic Code of Ethics.
- (4) **Negligence.** If the violation committed by the licensee resulted from negligence on the part of licensee, but was not so gross, or was not the result of such carelessness, as to meet the test of threeex (3) of the this subsection, the Board may impose a less severe punishment than would be the case if the negligence met such a test.

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

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

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

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

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

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

CHAPTER 10. LICENSURE OF CHIROPRACTIC PHYSICIANS

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

[Authority: 59 O.S., § 161.6]

140:10-1-1. Purpose

The purpose of this Chapter is to describe:

- (1) the requirements and procedure for obtaining an original license, by examination or reciprocity, to practice chiropractic medicine in this state; and
- (2) the requirements and procedures for obtaining a renewal license.

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 the conduct of chiropractic physicians, and for such other matters as the Board delegate 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, Section 161.18 of the Act.

“**Continuing education requirements**” means attendance by a licensee at a minimum of two (2) days of Chiropractic education seminars as required for a renewal license.

“**Examination**” means the process used by the Board prior to the issuance of any original license to test the qualifications or knowledge of an applicant in the basic sciences and the science and art of chiropractic.

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

“**License renewal program**” means a continuing education program which:

- (A) is sponsored or administered by a state chiropractic 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 of the Act and 140:10-3-1 through 140:10-3-4; or
- (b) by reciprocity pursuant to § 161.9 of the Act and 140:10-3-5.

“**Reciprocity**” means the ability of an applicant to obtain Oklahoma licensure of 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 reciprocated 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 an oral interview and a practical examination given by the Board,; and
- (F) The applicant meets all other requirements of the Oklahoma Chiropractic Practice Act.

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

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

140:10-1-3. Gender

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

140:10-1-4. Statutory citations

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

SUBCHAPTER 3. APPLICATION, EXAMINATION AND LICENSING

Section

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

140:10-3-9. Injectable certification [REVOKED]

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

- (a) An application to the Board for an original license to practice chiropractic shall be made on forms created and approved by the Board and shall be signed and verified under oath by the applicant. The application shall include:
 - (1) an original, unretouched black and white photograph of the applicant, taken within six (6) months prior to the date of submission of the applicant, showing the applicant's head and shoulders, front view, which photograph shall be approximately two inches (2"X 2") in size;
 - (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, 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 sixty (60) 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 and official of the issuing college as being true and correct, except as provided in (b) of this Section;
 - (6) A money order, certified check or cashier's check payable to the Board in the amount of One Hundred Fifty Dollars (\$150.00) as payment of the application fee. Such fee is not refundable under any circumstances.
- (b) A senior student at an accredited chiropractic college may, prior to graduation, make application for an original license by examination. In such event, the application shall be accompanied by a statement on a form approved by the Board containing certification by an official of such college that the applicant is a senior at the college and is expected to graduate within 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) An application and all accompanying documents must be complete 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 such examination.

140:10-3-2. Review of application

- (a) Prior to each scheduled examination, the Secretary-Treasurer 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 Secretary-Treasurer 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 Secretary-Treasurer of the Board of such disapproval by the return of the application to him together with the reason therefore fully stated in writing.
- (d) A fraudulent or false statement as to any material fact which is contained in any application for an original license, or the failure to provide any requested information, shall constitute sufficient cause for the disapproval of the application.

140:10-3-3. Examination Fee

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

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

- (a) In order to test the qualifications and knowledge of an applicant, the examination administered by the Board shall cover those subjects prescribed in Section 161.8 of the Act. The examination shall include a written portion and a practical portion.
- (b) An applicant shall forfeit his right to continue the examination if the applicant during the examination:
 - (1) use a book, paper, or any other document to assist him;
 - (2) receives assistance of any nature from another applicant; or
 - (3) gives assistance of any nature to another applicant.
- (c) The written portion of the examination shall:
 - (1) be administered by the Board in the English language; and
 - (2) be graded by individual members of the Board, or jointly, to the discretion of the Board.
- (d) The practical portion of the examination shall be graded by the member or members of the Board which administered the same.

- (e) A score of not less than sixty percent (60%) of a possible 100% on all subjects covered by the examination shall be required for an applicant to pass the examination shall be required for an applicant to pass the examination, and with an average score of at least seventy-five percent (75%) overall. Provided, however, that the minimum score for the oral practical examination shall be seventy-five percent (75%).

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 sixty (60) hours of college credit accepted by the University of Oklahoma;
 - (5) a copy of the applicant's diploma from an accredited chiropractic college, certified by an official of the issuing college as being true and correct;
 - (6) Submit documentary evidence to the board that the applicant has been in active practice for five (5) years immediately preceding the date of application.
 - (7) a money order, certified check or cashier's check payable to the Board, in the amount of Three Hundred Dollars (\$300.00), as payment of the application fee. Such fee is not refundable under any circumstances.
- (d) Except as is otherwise approved in writing by the Board, an application and all accompanying documents must be completed as set forth in the Act and application.
- (e) All documents accompanying an application for an original license by relocation of practice that are written in any language other than English shall be translated, at the expense of the applicant, into the English language and certified under seal of the proper consulate. The translation shall be submitted with the application.
- (f) All applicant's must submit a certified copy of his/her birth certificate and/or naturalization papers if they were born any where 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 Secretary-Treasurer 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 reciprocity 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 the written, oral or practical portions of the examination three (3) times, the Board may, at its discretion, require proof of additional education or training in those subjects filed by the applicant before the applicant is allowed to be re-examined.
- (c) An applicant who fails any part of the written, oral, or practical portions of the examination may be required to retake all portions of the examination or only those parts which the applicant failed, at the discretion of the Board.

140:10-3-7. Recording of licenses [REVOKED]

140:10-3-8. Displaying licenses [REVOKED]

140:10-3-9. Indictable certification [REVOKED]

SUBCHAPTER 5. PROCEDURES FOR RENEWAL LICENSES

Section

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

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

- (a) Except as provided in 140:10-5-4, related to senior inactive licenses, and 140:10-5-5, related to nonresident licenses, each licensee holding an original license to practice chiropractic in this state shall pay to the Board, on or before the first day of January of each year hereinafter, an annual renewal fee of One Hundred Fifty Dollars (\$150.00), 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) 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 state chiropractic association, which officer shall have been previously approved by the Board for the purpose of providing such certification.
- (d) Attendance by a licensee at a national chiropractic association meeting shall be certified by an officer of the national chiropractic association whose meeting the licensee attended.

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 by an associated 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 any chiropractic association which desires to present a continuing chiropractic education program required for license renewal.
- (c) The Board shall maintain a list of all state chiropractic associations 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) Any chiropractic association may submit applications to present continuing chiropractic programs for license renewal. All applications to present continuing chiropractic program must be submitted at least ninety (90) days prior to said education program being presented.
- (e) The board shall create and approve a form to be used by any chiropractic association to apply for approval to present a continuing chiropractic education program. In order to be considered for approval, such form shall be completed by a state chiropractic 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 Secretary for review and/or information gathering.
- (g) The Board shall conduct such meetings as are necessary before March 1 of each year to consider and approve or disapprove applications to present continuing chiropractic education programs. The Secretary-Treasurer shall cause thirty (30) days prior notice to be given to each state chiropractic association which makes application to present a program of the date, place and time of such meetings.
- (h) During the meeting provided for a (f) of this Section, each state chiropractic 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 from an association in regard to the association's application.
- (i) The board shall consider, among other relevant factors, the content of the program and the cost by 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 or secondarily 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.
- (l) Within thirty (30) days of completion of a continuing chiropractic education program, the chiropractic association which sponsored the program shall submit to the board a list of the names of each person who attended said program and the credit hours earned by each. Such list shall be certified by the chiropractic association which sponsored the program and be responsible for assuring that credit is awarded only to those who actually attended the program.

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

- (a) In the event that a licensee fails to obtain a renewal license on or before the first day of January 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 "~~SENIOR INACTIVE~~ RETIRED LICENSE – NOT VALID FOR ACTIVCE 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 licensees

- (a) Any licensee who is a nonresident of this state 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 One Hundred Twenty Five Dollars (\$125.00). Such a licensee need not satisfy the 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 containing:
 - (1) an affidavit by the inactive licensee of this state:
 - (A) that the applicant is a inactive of this state;
 - (B) that the applicant is not actively engaged in the practice of chiropractic in this state; and
 - (C) 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.

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]

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

140:15-1-1. Purpose

The purpose of this Chapter is to:

- (1) Establish a registration system and standards for the education and training of chiropractic physicians who engage in the business of issuing professional opinions on the prognosis or treatment of another chiropractic physician's patient;
- (2) 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
- (3) 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.

“Board” means the Board of Chiropractic Examiners.

“Chiropractic claims consultant” means a licensee who holds a current certificate issued by the Board which authorizes such licensee to engage in the business of issuing professional opinions on the condition, prognosis or treatment of another chiropractic physician's patient.

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

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

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
 140:15-3-2. Registration with the Board; certificate

140:15-3-1. Certain acts prohibited; exceptions

- (a) Effective January 1, 1994, no chiropractic physician shall engage in the business of issuing professional opinion on the condition, prognosis or treatment of another chiropractic physician's patient unless he has registered with the Board, pursuant to 140:15-3-2, and holds a certificate from the Board which authorizes him to act as a chiropractic claims consultant.
- (b) This Section shall not apply to a chiropractic physician while he is acting or serving as an expert witness in a court of this state or another state, or in a court of the United States.
- (c) This Subchapter shall not be interpreted to prohibit consensual consultations between chiropractic physicians.

140:15-3-2. Registration with the Board; certificate

- (a) A chiropractic physician who desires to act as a chiropractic claims consultant shall register with the Board on a form prescribed by the Board and signed by said chiropractic physician.
- (b) Upon receipt of the registration form, the Board shall issue a certificate to said licensee which shall entitle the holder to act as a chiropractic claims consultant in this state.

SUBCHAPTER 5. CERTIFICATES FOR INJECTABLES

Section

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

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

No chiropractic physician shall administer or cause to be used any injectable vitamins, minerals or nutritional supplements unless said chiropractic physician holds a certificate issued 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 certification from the Board. Provided that any certificate issued before January 1, 1994, shall not require examination.

140:15-5-2. Application for certificate; 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 a certificate for such purpose. Each such chiropractic physician shall submit to the Board documentary evidence of satisfactory completion of at least twelve (12) 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.

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

140:15-7-1. Display of license

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

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

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

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

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

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

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

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

SUBCHAPTER 8. ANIMAL CHIROPRACTIC DIAGNOSIS AND TREATMENT**140:15-8-1 Certificate of a chiropractor and animal chiropractic diagnosis and treatment**

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

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

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

Each Chiropractor certified in animal chiropractic diagnosis and treatment applying for renewal of a license related to animal chiropractic diagnosis and treatment shall have completed a minimum of (6) hours annually, in addition to the required sixteen (16) hours of the Act. The continuing education course attended for purposes of satisfying this rule shall be approved by the Board prior to attendance by the chiropractic physician.

CHAPTER 20. ADVISORY COMMITTEE

Section

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

140:20-1-2. Nominations

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

140:20-1-4. Appointment

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

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

[Authority: 59 O.S. § 161.6]

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

- (a) This Subchapter describes the procedures for nomination, qualifications for nomination, appointment, term of office, removal and other matters related to the membership of the Advisory Committee, as authorized by Section 161.6 of the Act.
- (b) Upon the promulgation of this Chapter, the Advisory Committee which existed prior to promulgation shall be automatically dismissed from its duties, and the Board shall immediately thereafter undertake the appointment of an Advisory Committee pursuant to this Chapter.

140:20-1-2. Nominations

- (a) The Board shall cause notice to be given to each state chiropractic association of the time period, not less than thirty (30) days, during which the Board shall accept nominations for membership on the Advisory Committee to be named by the Board. The Board shall also notify each chiropractic physician in this state of the same time period in which unaffiliated chiropractic physician in this state of the same time period in which unaffiliated chiropractic physicians may submit nominations for membership on the Advisory Committee. This may be accomplished by notice in the agenda of a regular or special meeting of the Board.
- (b) Each state association and each unaffiliated chiropractic physician may submit a list of ten (10) chiropractic physicians and three (3) lay persons as nominees for membership on the Advisory Committee.

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

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

140:20-1-4. Appointment

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

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

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

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

Committee member shall serve at the pleasure of the Board.

CHAPTER 25. CHIROPRACTIC UNDERGRADUATE PRECEPTORSHIP PROGRAMS

Subchapter

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

[Authority: 59 O.S., § 161.6]

SUBCHAPTER 1. GENERAL PROVISIONS

Section

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

140:25-1-1. Purpose

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

140:25-1-2. Definitions

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

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

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

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

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

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

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

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

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

“**Program**” means the Chiropractic Undergraduate Preceptorship Program.

140:25-1-3. Gender

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

140:25-1-4. Statutory citations

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

SUBCHAPTER 3. PRECEPTORSHIP**Section**

140:25-3-1.	Preceptor; application to the Board
140:25-3-2.	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 eh 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.

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.

140:25-3-7. Responsibility of the college

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

- (1) to provide the complete name, biographical data (including work experience)and a report of the Health status of the intern to the preceptor at least one (1) month before the beginning date of the experience;
- (2) to supply any additional information related to the experience required by the preceptor prior to the arrival of the intern;
- (3) to assure that the intern has satisfactorily completed prerequisite portion, as determined by the college, of the curriculum at the college and disclose to the preceptor the nature and extent of such prerequisite position;
- (4) to designate a faculty member at the college as the college's designated representative, who shall jointly develop with the preceptor the organization, content, duration and weekly schedule of the intern's experience;
- (5) to enforce rules and regulations governing the intern's conduct that are mutually agreed upon by the college and the preceptor, which rules and regulations shall include requirements that the intern:
 - (A) abide by all of the policies and procedures of the preceptor's chiropractic office, clinic or facility; and
 - (B) be well-groomed in appearance and courteous, at all times, in his relations with the preceptor's patients, the preceptor's staff and the public;
 - (C) to terminate an experience and remove the intern upon request of the preceptor for just cause; and
 - (D) to maintain and provide the Board, upon request with a copy of all records pertinent to the intern's experience.

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.

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- (b) Any incident reports related to an intern's experience shall be maintained by the preceptor and shall be the sole property of the preceptor, except as may be otherwise provided by law; provided, however upon receipt of a written request by the intern's college or the Board, the preceptor shall provide to the college or the Board a copy of such report.
 - (c) A preceptor may request an intern's college to withdraw from an experience any intern:
 - (1) whose performance, conduct, demeanor, or willingness to cooperate with co-workers or to serve patients in unsatisfactory;
 - (2) whose personal characteristics prevent desirable relationships with the preceptor's chiropractic office, clinic or facility; or
 - (3) whose health status is a detriment to the intern's experience.
 - (d) A preceptor shall not be liable for the payment of any wage, salary or compensation of any kind for services performed by any instructor, supervisor or other person associated with the intern's college, and a preceptor shall not be required to cover any such person in any manner under his Worker's Compensation insurance policy.
 - (e) In an emergency, as determined by a preceptor in his sole discretion, said preceptor shall have the right to summarily relieve an intern from a specific assignment or to summarily request an intern to leave the preceptor's chiropractic office, clinic or facility, pending determination of the intern's future assignment by the intern's college.