

**TITLE 510. OKLAHOMA STATE BOARD OF OSTEOPATHIC EXAMINERS  
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

**SUBCHAPTER 1. GENERAL PROVISIONS**

**510:1-1-1. Purpose**

The rules of this chapter establish the framework by which the Board carries out its statutory duties, including the licensure, education, and discipline of osteopathic physicians.

**SUBCHAPTER 3. GENERAL COURSE AND METHOD OF OPERATIONS**

**510:1-3-1. Office location [REVOKED]**

~~The office of the Board is located at 4848 North Lincoln Boulevard, Suite 100, in Oklahoma City, Oklahoma, 73105-3321. The phone number is (405) 528-8625.~~

**510:1-3-2. Office hours [REVOKED]**

~~The office of the Board will be open from 8:00 a.m. until 4:30 p.m. each week day. The office will be closed on weekends and holidays established by statute or proclamation of the Governor.~~

**510:1-3-3. Communication with the Board**

Written communication may be addressed to the Board at the office of the Board. Electronic communication shall be addressed to [support@osboe.ok.gov](mailto:support@osboe.ok.gov). Facsimile communications may be sent to the office of the Board. All applications for licensure, renewal and related documents must be submitted through the Board's online platform. Telephonic communications may be made during regular office hours for assistance and accommodation.

**510:1-3-4. Board meetings**

The Board holds regular quarterly meetings on the third Thursday of ~~March~~, June and September and the second Thursday of March and December of each year except that such regularly scheduled meetings may be cancelled or changed at the Board's discretion. The Board may hold other meetings of a special or emergency nature in its discretion. Meetings will be conducted at the Board office or other designated locations as necessary or desirable. A majority of the members of the Board constitute a quorum and may transact any business of the Board by a simple majority vote of the quorum present. The Board Executive Director, or designee, shall ensure all notice and final Agenda posting requirements for any meeting of the Board comply with 25 O.S. § 311.

**510:1-3-5. Public access to records**

The following documents shall be available for public inspection and copying or printing at the Board's principal office during regular office hours: all records of receipt and expenditure of funds, rules adopted by the Board, declaratory rulings issued by the Board, minutes of Board meetings, applications for licensure and renewal, the official record of individual proceedings and other records required to be maintained by Oklahoma law and to be made public by the Oklahoma Open Records Act. The records to be made public do not include documents that are confidential or subject to an evidentiary privilege (including patient records and attorney/client communications) or

are protected from disclosure under the work product doctrine, the Board's litigation files, the Board's investigatory files and reports and communications to the Board about current and prospective licensees. Printed copies ~~Copies~~ of the documents available to the public will be provided upon the Board's receipt of a written request and payment of required fees, including \$.25 for each page copied~~printed~~ and, ~~where appropriate under the Open Records Act, \$20.00 per hour for searching for documents.~~ [59 O.S., Section 627, 51 O.S., Section 24A.1 et seq.]

#### **510:1-3-6. Certification of records**

True and correct copies of records of the Board may be certified by the Board's secretary or executive director. ~~The fee for certification of records shall be \$1.00 per document and must be paid upon the delivery of the certified record.~~ [51 O.S., Section 24A.5]

#### **510:1-3-8. Investigations**

The Board may investigate any matter within its statutory authority. Licensees and applicants for licensure shall provide information requested by the Board and shall allow the Board to inspect their records and facilities without advanced notice. The Board may compel oral testimony, written responses to interrogatories, production of documents and inspection of property through subpoenas issued by the Board President, Board Secretary, Board Executive Director, any other persons authorized by the Board authorized to issue subpoenas, or search warrants issued by ~~the district court~~ a court of competent jurisdiction. Additionally, the Board Executive Director may issue a subpoena for substance abuse screening with no advanced notice to the respondent, with prior written approval by the Board President, or designee. [59 O.S., Section 626(D) and 637(C)].

### **SUBCHAPTER 5. INDIVIDUAL PROCEEDINGS**

#### **510:1-5-1. Initiation of individual proceedings, complaint, and citation**

An individual proceeding may be initiated, upon information indicating the possible violation of the Act, through the filing of a ~~verified complaint~~petition by the Board staff setting out the matters enumerated in 75 O.S., Section 309, and containing a statement setting forth the allegations and naming the licensee against whom the complaint is made. The ~~Secretary~~General Counsel, or Board staff, shall issue a citation notifying the respondent of the ~~verified complaint~~petition and the date and place of the hearing.

##### **510:1-5-1.1. Definitions**

The following words and terms, as used in this subchapter shall have the following meaning, unless the context clearly indicates otherwise.

**"Allegation"** means ~~the unverified~~ information concerning a physician's acts or omissions provided to or discovered by Board investigative staff or other source, ~~and reviewed by the Medical Review Committee.~~ Such information may or may not ultimately merit a ~~verified complaint of unprofessional conduct.~~

**"Individual proceeding"** means consideration of issuing a formal sanction penalizing against a licensee of the Board. ~~It does not mean consideration of the issuance or reinstatement of a license.~~

**"Petition"** means the formal allegation of potential violation of the Act against the named physician.

**"Respondent"** means the licensed osteopathic physician whose licensure is the subject of the individual proceeding.

~~**"Verified Complaint"** means the formal allegation of unprofessional conduct against the named physician filed by Board staff that leads to an individual proceeding adjudged by the Board en banc.~~

### **510:1-5-3. Service**

(a) ~~The verified complaint~~petition and citation and all subpoenas shall be served personally in the manner authorized by state law for service of summons in a judicial proceeding or by certified mail, return receipt requested, delivery restricted to the addressee. If personal service or service by certified mail cannot be completed, service of the ~~verified complaint~~petition and citation may be made by first class mail to the respondent at the last address furnished to the Board by the respondent or by publication in a newspaper or newspapers for the time, or posting at the places, the Secretary of the Board determines will be most likely to provide notice to the respondent.

(b) Personal service may be made by any person appointed by the ~~Secretary of the Board~~Executive Director, Board Investigators, or any person authorized by State law to serve process in judicial proceedings.

(c) Service of all other papers shall be made by first-class mail to the address at which service of the ~~initial complaint~~petition and citation was made or in the manner by which such service was made if not by mail or personal service or such other address designated by the respondent; to the Board at its office, ~~the office of its general counsel and the prosecuting attorney~~; and to the address designated by any other party to the proceeding.

(d) Service by mail shall be complete three (3) days after ~~upon~~ the date the notice is placed in the U.S. Mail with sufficient postage prepaid. Service by publication shall be complete on the date of the first publication. Service by posting shall be complete on the date the notice is posted. Personal service shall be complete upon delivery.

### **510:1-5-4. Hearing date, continuance, or extension of time**

(a) The hearing, shall not be less than twenty (20) days after service of the ~~complaint~~petition and citation unless an agreement of the parties is made in writing and on the record. The Board may suspend a license without notice if the Board determines, upon the vote of three-fourths ( $\frac{3}{4}$ ) of the quorum present at the meeting that an emergency exists and the Board schedules a hearing within thirty (30) days of the date the suspension takes effect.

(b) Written motions for any continuance or extension of time by either party shall state the additional time desired and the reason for the request, unless a written agreement is made by the Board's Executive Director and the respondent. The Board's ~~General Counsel~~Executive Director must rule on these motions prior to the scheduled hearing. Any agreement to continue the hearing must be on the record at the next regularly scheduled meeting. If the request is denied, either party may renew the request and make a proper showing at the hearing.

### **510:1-5-6. Prehearing procedures**

(a) **Discovery.** The Board and the respondent may use discovery techniques available to parties in civil proceedings in Oklahoma courts. See Title 12 O.S., Sections 3201 Et Seq. Subpoenas to compel testimony, production of documents and inspection of property may be issued by the president, secretary of the Board, or any Board staff or designee licensed to practice law in the State of Oklahoma.

(b) **Scheduling orders.** The Board's General Counsel or Executive Director may establish a schedule for the parties' completion of discovery, submission of motions, identification of witnesses and exhibits and other matters. The Board's General Counsel or Executive Director may also make rulings on extension of time to respond to a ~~verified complaint~~ petition or any hearing date.

(c) **Pre-Hearing Conference.** The Board's Executive Director may order a Pre-Hearing Conference to discuss the petition, discovery process, potential scheduling order, and the hearing with Respondent and Respondent's attorney. This Pre-Hearing Conference may be held a date chosen by the Board's Executive Director prior to a scheduled meeting of the Board.

#### **510:1-5-6.1. Hearing procedures**

(a) **Order of proceeding;** rules of evidence. Hearings shall be conducted in public view and in an orderly manner by the President of the Board. The order of proceeding will follow that which applies in civil proceedings of law. However, the rules of evidence shall be those specified by the Oklahoma Administrative Procedures Act.

(b) **Rulings of the President.** The President of the Board, or general counsel of the Board, shall rule upon the admissibility of evidence and objections thereto, and shall rule upon other motions or objections as they arise during the course of the hearing. The rulings of the President, in all questions, shall be the rulings of the Board unless reversed by a majority vote of the Board upon a party's appeal from such rulings of the President. ~~Rulings by the President may be delegated.~~

(c) **Burden of proof.** The Board's decisions shall be based on clear and convincing evidence presented at a public hearing.

#### **510:1-5-7. Respondent's failure to appear**

Any respondent who fails to appear at a scheduled hearing as directed by the provisions of 510:1-5-2, after first having received proper notice, shall be determined to have waived his/her right to present a defense to the allegations in the ~~complaint~~ petition and appropriate sanctions may be imposed by the Board if it appears, after having reviewed the evidence, that action is warranted.

#### **510:1-5-8. Subpoena of witnesses, evidence or records for hearing**

Subpoenas for the attendance of witnesses and for the production of evidence or records of any kind shall be issued by the President, ~~Secretary of the Board~~ Executive Director, ~~or by any Board staff or designee licensed to practice law in the State of Oklahoma.~~ Subpoenas shall be served and a return made in any manner prescribed by civil law.

#### **510:1-5-9. Hearing records**

(a) An audio or video record will be made of all hearings conducted by the Board. A transcript of the proceedings shall not be made except upon the written application and

payment of a deposit sufficient to pay for having the record transcribed, according to the provisions of Title 75 O.S., Section 309.

(b) The records of the hearings and the files containing the pleadings will be maintained in the Board's office in electronic format. The records of the proceedings shall be maintained in accordance with the Oklahoma Archives and Records Act and the Oklahoma Open Records Act.

#### **510:1-5-10. Final orders**

(a) All final orders in individual proceedings shall be memorialized in writing. Any ~~final~~written order shall include Findings of Fact and Conclusions of Law, ~~separately stated~~. The order shall contain the date it is effective regardless of the date it is signed. A copy of the ~~final~~written order will be mailed to ~~each party~~the respondent and to his/her attorney of record.

(b) Final orders shall be effective the date of announced ruling by the Board.

(c) Copies of written orders shall be maintained by the Board in a manner readily accessible by the public.

#### **510:1-5-10.1. Terms and conditions of probation**

The Board may impose such terms and conditions for probation, as an alternative to or in addition to other disciplinary measures, as it deems appropriate. In memorialized written orders, the Board may add Standard Conditions of Probation, or other standard language, in addition to hearing specific announced terms. These standard conditions may include a monthly monitoring fee which is established pursuant to Title 59 Section 645.

#### **510:1-5-11. Petition for rehearing**

A petition for rehearing is not required before an appeal may be perfected in accordance with Title 75 O.S., Section 317. A petition for rehearing, reopening or reconsideration of a final order may be filed with the Board within ten (10) days from the entry of the final order. It must be signed by the ~~party~~respondent or his/her attorney or representative and must set forth the statutory grounds upon which it is based. However, a petition for rehearing based upon fraud by any party or procurement of the final order by perjured testimony or fictitious evidence may be filed at any time.

#### **510:1-5-12. Assessment of costs**

Costs may be assessed against a respondent in accordance with 59 O.S., Section 637.1. The amount may be determined at the hearing ~~on the complaint and citation~~ or listed in the memorialized written order. ~~at a separate hearing conducted after the Board issues its final order.~~

### **SUBCHAPTER 7. RULEMAKING PROCEDURES**

#### **510:1-7-1. Opportunity for public input on proposed rules**

For at least ~~20~~thirty (30) days before it adopts, amends, or repeals any rule, the Board shall accept data, views, arguments or other comments, presented orally or in writing, on the proposed rule, amendment or repeal. The Board will conduct a public hearing on a proposed rule if requested, in writing, by at least twenty-five persons, a political subdivision, an association having at least twenty-five members, or a

constitutionally or statutorily created state board, bureau, commission, department, authority, public trust in which the state is a beneficiary or an interstate commission.

**510:1-7-3. Notice and hearing requirements**

(a) In any rule-making action, whether initiated by the Board or by petition, the Board shall comply with the current notice requirements in the Administrative Procedures Act [75 O.S., Section 301 et seq.].

(b) Notice of the Board's consideration of proposed rulemaking action shall be mailed to all interested persons who have made a request of the Board for advance notice of the rulemaking proceedings, or who were specified in the petition and shall be published in the Oklahoma Register.

(c) Unless otherwise specified in the notice, all hearings will be conducted in the Office of the Board, or designated location.

(d) Appearance may be made individually, or by an authorized agent.

**SUBCHAPTER 13. DECLARATORY RULINGS**

**510:1-13-1. Persons who may seek a declaratory rule**

Any person may file a written petition seeking a declaratory ruling by the Board with respect to the application of a statute, rule or order of the Board. A petition for declaratory ruling shall be set for a ~~public~~ hearing before the Board at its next regularly scheduled meeting.