

1 A bill to be entitled
2 An act relating to chiropractic; amending s.
3 460.403, F.S.; revising and providing
4 definitions applicable to the regulation of
5 chiropractic; eliminating the requirement of
6 certification to practice phlebotomy or
7 physiotherapy or to administer proprietary
8 drugs; amending ss. 460.406 and 460.413, F.S.,
9 relating to licensure by examination and
10 grounds for disciplinary action, to conform;
11 providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 460.403, Florida Statutes, 1996
16 Supplement, is amended to read:

17 460.403 Definitions.--As used in this chapter, the
18 term:

19 ~~(1)(5)~~ "Approved program" means a program for the
20 education of certified chiropractic physician's assistants,
21 which program has been formally approved by the board.

22 (2) "Board" means the Board of Chiropractic.

23 ~~(3)(7)~~ "Certified chiropractic physician's assistant"
24 means a person who is a graduate of an approved program or its
25 equivalent and is approved by the department to perform
26 chiropractic services under the indirect supervision of a
27 chiropractic physician or group of physicians certified by the
28 board to supervise such assistant. An approved chiropractic
29 physician or group of physicians may indirectly supervise more
30 than one certified chiropractic physician's assistant.

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1 (4) "Chiropractic physician" means any person licensed
2 to practice chiropractic pursuant to this chapter.

3 ~~(5)(1)~~ "Department" means the Department of Health
4 ~~Business and Professional Regulation~~.

5 (6) "Direct supervision" means responsible supervision
6 and control, with the licensed chiropractic physician assuming
7 legal liability for the services rendered by a registered
8 chiropractic assistant. Except in cases of emergency, direct
9 supervision shall require the physical presence of the
10 licensed chiropractic physician for consultation and direction
11 of the actions of the registered chiropractic assistant. The
12 board shall further establish rules as to what constitutes
13 responsible direct supervision of a registered chiropractic
14 assistant.

15 ~~(7)(8)~~ "Indirect supervision" means responsible
16 supervision and control, with the licensed chiropractic
17 physician assuming legal liability for the services rendered
18 by a ~~the~~ certified chiropractic physician's assistant. Except
19 in cases of emergency, indirect supervision shall require the
20 easy availability or physical presence of the licensed
21 chiropractic physician for consultation and direction of the
22 actions of the certified chiropractic physician's assistant.
23 The board shall further establish rules as to what constitutes
24 responsible indirect supervision of the certified chiropractic
25 physician's assistant.

26 ~~(8)(3)~~(a) "Practice of chiropractic" means a
27 noncombative principle and practice consisting of the science,
28 philosophy and art of the adjustment, manipulation, and
29 treatment of the human body in which vertebral subluxations
30 and other malpositioned articulations and structures that are
31 interfering with the normal generation, transmission, and

1 expression of nerve impulse between the brain, organs, and
 2 tissue cells of the body, thereby causing disease, are
 3 adjusted, manipulated, or treated, thus restoring the normal
 4 flow of nerve impulse which produces normal function and
 5 consequent health by chiropractic physicians using specific
 6 chiropractic adjustment or manipulation techniques taught in
 7 chiropractic colleges accredited by the Council on
 8 Chiropractic Education. No person other than a licensed
 9 chiropractic physician may render chiropractic services,
 10 chiropractic adjustments, or chiropractic manipulations.

11 (b) Any chiropractic physician who has complied with
 12 the provisions of this chapter may examine, analyze, and
 13 diagnose the human living body and its diseases by the use of
 14 any physical, chemical, electrical, or thermal method; use the
 15 X ray for diagnosing; phlebotomize ~~in compliance with~~
 16 ~~paragraph (f)~~; and use any other general method of examination
 17 for diagnosis and analysis taught in any school of
 18 chiropractic.

19 (c)1. Chiropractic physicians may adjust, manipulate,
 20 or treat the human body by manual, mechanical, electrical, or
 21 natural methods; by the use of physical means or
 22 physiotherapy, including light, heat, water, or exercise; by
 23 the use of acupuncture; or by the administration of foods,
 24 food concentrates, food extracts, and items for which a
 25 prescription is not required ~~proprietary drugs~~ and may apply
 26 first aid and hygiene, but chiropractic physicians are
 27 expressly prohibited from prescribing or administering to any
 28 person any legend drug except as authorized under subparagraph
 29 2., from performing any surgery except as stated herein, or
 30 from practicing obstetrics.

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1 2. Notwithstanding the prohibition against prescribing
2 and administering legend drugs under subparagraph 1., or s.
3 449.0122, pursuant to board rule chiropractic physicians may
4 order, store, and administer, for emergency purposes only at
5 the chiropractic physician's office or place of business,
6 prescription medical oxygen and may also order, store, and
7 administer the following topical anesthetics in aerosol form:

8 a. Any solution consisting of 25 percent ethylchloride
9 and 75 percent dichlorodifluoromethane.

10 b. Any solution consisting of 15 percent
11 dichlorodifluoromethane and 85 percent
12 trichloromonofluoromethane.

13
14 However, this paragraph does not authorize a chiropractic
15 physician to prescribe medical oxygen as defined in chapter
16 499.

17 (d) Chiropractic physicians shall have the privileges
18 of services from the department's ~~Department of Health and~~
19 ~~Rehabilitative Services~~ laboratories.

20 (e) The term "chiropractic," "doctor of chiropractic,"
21 or "chiropractor" shall be synonymous with "chiropractic
22 physician," and each term shall be construed to mean a
23 practitioner of chiropractic as the same has been defined
24 herein. Chiropractic physicians may analyze and diagnose the
25 physical conditions of the human body to determine the
26 abnormal functions of the human organism and to determine such
27 functions as are abnormally expressed and the cause of such
28 abnormal expression.

29 (f) Any chiropractic physician who has complied with
30 the provisions of this chapter is authorized to analyze and
31 diagnose abnormal bodily functions and to adjust the physical

1 representative of the primary cause of disease as is herein
 2 defined and provided. As an incident to the care of the sick,
 3 chiropractic physicians may advise and instruct patients in
 4 all matters pertaining to hygiene and sanitary measures as
 5 taught and approved by recognized chiropractic schools and
 6 colleges. ~~A Any chiropractic physician licensed after October~~
 7 ~~1, 1986, may not phlebotomize, use physiotherapy or~~
 8 ~~acupuncture, or administer proprietary drugs until certified~~
 9 ~~by the board to use any of such procedures.~~ Certification
 10 shall be granted to chiropractic physicians ~~licensed after~~
 11 ~~October 1, 1986,~~ who have satisfactorily completed the
 12 required coursework in acupuncture ~~the procedure or procedures~~
 13 ~~for which certification is sought~~ and after successful passage
 14 of an appropriate examination as administered by the
 15 department. The required coursework shall have been provided
 16 by a college or university which is recognized by an
 17 accrediting agency approved by the United States Department of
 18 Education. ~~Chiropractic physicians licensed after October 1,~~
 19 ~~1986, seeking certification in one or more of the procedures~~
 20 ~~for which certification is required may elect to take the~~
 21 ~~certification examination at the time of taking the initial~~
 22 ~~licensing examination or at any subsequent examination.~~
 23 ~~Nothing herein shall be construed to require chiropractic~~
 24 ~~physicians who have met all requirements for licensure prior~~
 25 ~~to October 1, 1986, to become certified to phlebotomize or use~~
 26 ~~physiotherapy.~~

27 (9) "Registered chiropractic assistant" means a person
 28 who is registered by the board to perform chiropractic
 29 services under the direct supervision of a chiropractic
 30 physician.

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1 ~~(10)(6)~~ "Trainee" means a person who is currently
2 enrolled in an approved program.

3 Section 2. Subsections (2) and (3) of section 460.406,
4 Florida Statutes, 1996 Supplement, are amended to read:

5 460.406 Licensure by examination.--

6 (2) For those applicants applying for the
7 certification examination ~~examinations~~ who have matriculated
8 prior to July 1, 1996, in a chiropractic college, the board
9 shall waive the provisions of paragraph (1)(c) if the
10 applicant is a graduate of a chiropractic college which has
11 been denied accreditation or approval on the grounds that its
12 curriculum does not include the training in acupuncture ~~all~~
13 ~~of, or is deficient in, the subjects~~ necessary for the
14 completion of the certification examination ~~examinations~~ or is
15 a graduate of a chiropractic college where acupuncture is ~~such~~
16 ~~subjects are~~ not taught or offered if the college is
17 accredited by or has status with the Council on Chiropractic
18 Education or its predecessor.

19 (3) An applicant for the licensure examination may
20 elect not to take the certification examination to use
21 ~~examinations which address phlebotomizing, physiotherapy,~~
22 ~~acupuncture, or administration of proprietary drugs.~~ The
23 department shall, in addition to the licensing exam, offer an
24 examination ~~examinations~~ for certification to ~~phlebotomize,~~
25 ~~use physiotherapy or acupuncture, or administer proprietary~~
26 ~~drugs.~~ An applicant may elect to take ~~one or more of the~~
27 certification examination ~~examinations~~ at the time of taking
28 the licensure examination. Passage of ~~one or more of the~~
29 certification examination ~~examinations~~ shall not grant any
30 applicant the right to practice chiropractic absent the
31 passage of the licensing examination.

1 Section 3. Paragraphs (p), (bb), (cc) and (ff) of
2 subsection (1) of section 460.413, Florida Statutes, 1996
3 Supplement, are amended to read:

4 460.413 Grounds for disciplinary action; action by the
5 board.--

6 (1) The following acts shall constitute grounds for
7 which the disciplinary actions specified in subsection (2) may
8 be taken:

9 (p) Prescribing, dispensing, or administering any
10 medicinal drug except as authorized by s. 460.403(8)(3)(c)2.,
11 performing any surgery, or practicing obstetrics.

12 ~~(bb) Reducing or offering to reduce, rebating or~~
13 ~~offering to rebate, or discounting or offering to discount to~~
14 ~~an insured any payment to the licensee by the third party~~
15 ~~payor of the insured for services or treatments rendered under~~
16 ~~the insured's policy.~~

17 ~~(cc) Submitting to any third-party payor a claim for a~~
18 ~~service or treatment at a greater or an inflated fee or charge~~
19 ~~than the usual fee the licensee charges for that service or~~
20 ~~treatment when rendered without third party reimbursement.~~

21 ~~(ff) Phlebotomizing or Using physiotherapy or~~
22 ~~acupuncture or administering proprietary drugs without being~~
23 ~~certified or exempted from certification pursuant to s.~~
24 ~~460.403(8)(3)(f).~~

25 Section 4. This act shall take effect July 1, 1997.