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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.  
31

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.