

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – the bill will restrict the ability of unlicensed persons to employ chiropractic physicians.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Chapter 460, Florida Statutes, governs the practice of chiropractic medicine in Florida. Chiropractic physicians are licensed by the Department of Health (“department”) and regulated by the Board of Chiropractic Medicine (“board”). The board has the authority to adopt rules to implement provisions in Ch. 460, F.S., including the setting of application fees. The chapter defines the practice of chiropractic medicine to mean a noncombative principle and practice consisting of the science of the adjustment, manipulation, and treatment of the human body¹. The chapter authorizes chiropractic physicians to adjust, manipulate or treat the human body by manual, mechanical, electrical, or natural methods. However, chiropractic physicians are prohibited from prescribing or administering any legend drugs with limited exceptions.²

Numerous other provisions regarding the practice of chiropractic medicine are contained within Ch. 460, F.S. Licensure requirements for chiropractic physicians include: graduation from a chiropractic college that is accredited by the Council on Chiropractic Education; passage of the National Board of Chiropractic Examiners certification examination; and submission of an application and fees to the department. The chapter also provides for the certification of chiropractic medical faculty at publicly-funded state universities or colleges, continuing chiropractic education requirements, and penalties for the unlicensed practice of chiropractic medicine.

Chapter 460, F.S., also provides for the regulation of certified chiropractic physician assistants. Certified chiropractic physician assistants must be certified by the board under specific procedures and must have a supervisory relationship with a chiropractic physician. They may practice under both direct and indirect supervision. Training programs for certified chiropractic physician assistants are certified by the board and the curriculum must consist of at least 200 didactic hours and cover a period of 24 months.

Effect of Proposed Changes

The bill authorizes the board to require an applicant who has graduated from a Council on Chiropractic Education accredited institution more than ten years prior to filing an application for licensure to take the National Board of Chiropractic Examiners’ Special Purposes Examination for Chiropractic, or its equivalent. The amendment authorizes the board to establish by rule a passing score on this examination.

The bill allows a student to sit for his or her certification examination while in the final year of study at a chiropractic school or college. All other provisions for licensure as a chiropractic physician still apply to a student who sits for the certification examination at this time. The bill specifies that an applicant for licensure may not be licensed before graduation.

¹ s. 460.403(9)(a).

² s. 460.403(9)(c)

The bill amends s. 460.4062, F.S., criteria to apply for a chiropractic medical faculty certificate, to include the acceptance of full-time teaching positions at any chiropractic college, publicly funded or private, located in Florida and accredited by the Council on Chiropractic Education. All other provisions for certification remain the same.

The bill allows a certified chiropractic physician assistant to perform chiropractic services under the indirect supervision of a chiropractic physician only at the physician's principal place of practice. The bill requires a certified chiropractic physician assistant who performs services at a clinic licensed by the Agency for Health Care Administration³ to only work under the direct supervision of a specified chiropractic physician.

The bill also revises application requirements for certified chiropractic physician assistants to require the applicant to file a work arrangement proposal. The board is required to interview both the applicant and the supervising chiropractic physician for whom he will be working about the work proposal.

The bill creates a new subsection of Chapter 460, F.S., to enact limits on directing, controlling, and interfering with a chiropractic physician's clinical judgment and his or her ability to maintain care, custody, and control over equipment or materials. The bill further limits the ability of any unlicensed person to exercise control over a course of treatment for a patient, patient records, and certain office policies. Violation of this section is a third degree felony offense. Contracts entered into or renewed after October 1, 2010, would be subject to the provisions of this section.

The bill requires that the total number of continuing chiropractic education hours be contact classroom hours.

C. SECTION DIRECTORY:

Section 1. Amends s. 460.406, F.S., to revise requirements for licensure by examination.

Section 2. Amends s. 460.4062, F.S., to revise the criteria to apply for a chiropractic medical faculty certificate.

Section 3. Amends s. 460.408, F.S., to revise continuing chiropractic education requirements.

Section 4. Amends s. 460.4165 F.S., to revise provisions relating to certified chiropractic physician's assistants.

Section 5. Creates s. 460.4167, F.S., to regulate the ownership practices of chiropractic clinics.

Section 6. Provides an effective date of July, 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

³ Section 400.9905(4)(g), F.S., governs the licensure of clinics that provide health care services by practitioners under Chapter 460, F.S., or chiropractic physicians.

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No additional rule-making authority is required as a result of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

HB 1485 includes four main revisions to the Chiropractic Physicians Practice Act (Chapter 460) supported by the Florida Board of Chiropractic Medicine in the Department of Health.

Two of the provisions assist chiropractic education at a new private college located in Port Orange, Florida, providing licensure exemptions for faculty members and allowing students to sit for their state licensing examination during their final year of study. Currently students must wait for as long as six months or more following graduation before they may take the exam offered only twice annually. This places an unnecessary financial hardship on many students.

The other two provisions, also supported by the Board, are primarily in response to ongoing efforts to fight fraud particularly in the area of unscrupulous clinics providing services to auto accident victims under personal injury protection/no-fault insurance coverage. The changes provide limits and more stringent supervision requirements on licensed certified chiropractic physician assistants. At the same time, new restrictions are being added to address fraud issues associated with the ownership of some clinics by non-doctors.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On March 20, 2007, the Health Quality Committee adopted one amendment to the bill. The amendment clarifies that a chiropractic medical faculty certificate authorizes an individual to teach at a private college of chiropractic as well as at a publicly-funded university or college.

The bill was reported favorably with one amendment.

On March 27, 2007, the Healthcare Council adopted three amendments to the bill. The first amendment removes obsolete language relating to the National Board of Chiropractic Examiners certification examination. The amendment authorizes the board to require an applicant who has graduated from a Council on Chiropractic Education accredited institution more than ten years prior to filing an application for licensure to take the National Board of Chiropractic Examiners' Special Purposes Examination for Chiropractic, or its equivalent. The amendment authorizes the board to establish by rule a passing score on this examination.

The second amendment clarifies that no one may interfere with a chiropractor's clinical judgment as to the medical necessity of chiropractic treatment.

The third amendment requires that the total number of continuing chiropractic education hours be contact classroom hours.

The bill was reported favorably as a Council Substitute.