

1 A bill to be entitled
 2 An act relating to chiropractic medicine; amending s.
 3 460.406, F.S.; providing requirements for students
 4 relating to licensure as a chiropractic physician by
 5 examination; amending s. 460.4062, F.S.; revising
 6 provisions relating to chiropractic medicine faculty
 7 certificates; amending s. 460.4165, F.S.; revising
 8 conditions under which a certified chiropractic
 9 physician's assistant may perform services; revising
 10 provisions relating to certified chiropractic physician's
 11 assistant licensure application; restricting the place of
 12 practice of certified chiropractic physician's assistants
 13 performing services under indirect supervision; creating
 14 s. 460.4167, F.S.; providing requirements for
 15 proprietorships owned by persons other than licensed
 16 chiropractic physicians; providing prohibitions; providing
 17 penalties; providing a purpose; providing an effective
 18 date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Subsection (5) is added to section 460.406,
 23 Florida Statutes, to read:

24 460.406 Licensure by examination.--

25 (5) A student in a school or college of chiropractic
 26 accredited by the Council on Chiropractic Education or its
 27 successor in the final year of the program may file an
 28 application pursuant to subsection (1), take all examinations

29 required for licensure, submit a set of fingerprints, and pay
 30 all fees required for licensure. A chiropractic student who
 31 successfully completes the licensure examinations and who
 32 otherwise meets all requirements for licensure as a chiropractic
 33 physician during the student's final year must have graduated
 34 before being certified for licensure pursuant to this section.

35 Section 2. Paragraph (e) of subsection (1) and subsection
 36 (2) of section 460.4062, Florida Statutes, are amended to read:

37 460.4062 Chiropractic medicine faculty certificate.--

38 (1) The department may issue a chiropractic medicine
 39 faculty certificate without examination to an individual who
 40 remits a nonrefundable application fee, not to exceed \$100 as
 41 determined by rule of the board, and who demonstrates to the
 42 board that he or she meets the following requirements:

43 (e) 1. Has been offered and has accepted a full-time
 44 faculty appointment to teach in a program of chiropractic
 45 medicine at a publicly funded state university or college or at
 46 a college of chiropractic located in the state and accredited by
 47 the Council on Chiropractic Education; and

48 2. Provides a certification from the dean of the
 49 appointing college acknowledging the appointment.

50 (2) The certificate shall authorize the holder to practice
 51 only in conjunction with his or her faculty position at a
 52 publicly funded state university or college and its affiliated
 53 clinics that are registered with the board as sites at which
 54 holders of chiropractic medicine faculty certificates will be
 55 practicing. Except as provided in subsection (4), such
 56 certificate shall automatically expire upon termination of the

57 holder's relationship with the university or college ~~school~~ or
 58 after a period of 2 years, whichever occurs first.

59 Section 3. Paragraph (b) of subsection (2) and subsection
 60 (6) of section 460.4165, Florida Statutes, are amended, and
 61 subsection (14) is added to that section, to read:

62 460.4165 Certified chiropractic physician's assistants.--

63 (2) PERFORMANCE BY CERTIFIED CHIROPRACTIC PHYSICIAN'S
 64 ASSISTANT.--Notwithstanding any other provision of law, a
 65 certified chiropractic physician's assistant may perform
 66 chiropractic services in the specialty area or areas for which
 67 the certified chiropractic physician's assistant is trained or
 68 experienced when such services are rendered under the
 69 supervision of a licensed chiropractic physician or group of
 70 chiropractic physicians certified by the board. Any certified
 71 chiropractic physician's assistant certified under this section
 72 to perform services may perform those services only:

73 (b) Under indirect supervision if the indirect supervision
 74 occurs at the principal place of practice of the chiropractic
 75 physician to whom she or he is assigned as defined by rule of
 76 the board;

77 (6) APPLICATION APPROVAL.--Any person desiring to be
 78 licensed as a certified chiropractic physician's assistant must
 79 apply to the department. The application shall include a work
 80 arrangement proposal and, as part of the application process,
 81 the board shall interview the proposed supervising chiropractic
 82 physician and the applicant about the work arrangement proposal.
 83 The department shall issue a certificate to any person certified
 84 by the board as having met the following requirements:

85 (a) Is at least 18 years of age.

86 (b) Is a graduate of an approved program or its equivalent
 87 and is fully certified by reason of experience and education, as
 88 defined by board rule, to perform chiropractic services under
 89 the responsible supervision of a licensed chiropractic physician
 90 and when the board is satisfied that the public will be
 91 adequately protected by the arrangement proposed in the
 92 application.

93 (c) Has completed the application form and remitted an
 94 application fee set by the board pursuant to this section. An
 95 application for certification made by a chiropractic physician's
 96 assistant must include:

97 1. A certificate of completion of a physician's assistant
 98 training program specified in subsection (5).

99 2. A sworn statement of any prior felony conviction in any
 100 jurisdiction.

101 3. A sworn statement of any previous revocation or denial
 102 of licensure or certification in any state or jurisdiction.

103 (14) SUPERVISION OF CERTIFIED CHIROPRACTIC PHYSICIAN'S
 104 ASSISTANTS AT LICENSED CLINICS.--A certified chiropractic
 105 physician's assistant certified under this section to perform
 106 services at a clinic licensed under part X of chapter 400 may
 107 perform those services only under direct supervision of the
 108 chiropractic physician to whom she or he is assigned.

109 Section 4. Section 460.4167, Florida Statutes, is created
 110 to read:

111 460.4167 Proprietorship by persons other than licensed
 112 chiropractic physicians.--

113 (1) Effective July 1, 2008, no person other than a sole
 114 proprietorship, group practice, partnership, or corporation that
 115 is wholly owned by one or more chiropractic physicians licensed
 116 under this chapter or by a chiropractic physician licensed under
 117 this chapter and the spouse, parent, child, or sibling of that
 118 chiropractic physician may employ a chiropractic physician
 119 licensed under this chapter or engage a chiropractic physician
 120 licensed under this chapter as an independent contractor to
 121 provide services authorized by this chapter to be offered by a
 122 chiropractic physician licensed under this chapter, except for:

123 (a) A sole proprietorship, group practice, partnership, or
 124 corporation that is wholly owned by a physician or physicians
 125 licensed under this chapter, chapter 458, chapter 459, or
 126 chapter 461.

127 (b) Entities that are owned, directly or indirectly, by an
 128 entity licensed or registered by the state under chapter 395.

129 (c) Clinical facilities affiliated with a college of
 130 chiropractic accredited by the Council on Chiropractic Education
 131 at which training is provided for chiropractic students.

132 (d) A public or private university or college.

133 (e) An entity that is exempt from federal taxation under
 134 s. 501(c)(3) or (4) of the Internal Revenue Code, any community
 135 college or university clinic, and any entity owned or operated
 136 by the Federal Government or by state government, including any
 137 agency, county, municipality, or other political subdivision
 138 thereof.

139 (f) An entity owned by a corporation the stock of which is
 140 publicly traded.

141 (g) A clinic licensed under part X of chapter 400 that
142 provides health care services by physicians licensed under
143 chapter 458, chapter 459, or chapter 460, the medical director
144 of which is licensed under chapter 458 or chapter 459.

145 (h) A state-licensed insurer.

146 (2) No person other than a chiropractic physician licensed
147 under this chapter shall direct, control, or interfere with a
148 chiropractic physician's clinical judgment. For purposes of this
149 subsection, a chiropractic physician's clinical judgment does
150 not apply to chiropractic services contractually excluded, the
151 application of alternative services that may be appropriate
152 given the chiropractic physician's prescribed course of
153 treatment, or determinations comparing contractual provisions
154 and scope of coverage with a chiropractic physician's prescribed
155 treatment on behalf of a covered person by an insurer, health
156 maintenance organization, or prepaid limited health service
157 organization.

158 (3) Any lease agreement, rental agreement, or other
159 arrangement between a person other than a licensed chiropractic
160 physician and a chiropractic physician whereby the person other
161 than a licensed chiropractic physician provides the chiropractic
162 physician with chiropractic equipment or chiropractic materials
163 shall contain a provision whereby the chiropractic physician
164 expressly maintains complete care, custody, and control of the
165 equipment or practice.

166 (4) The purpose of this section is to prevent a person
167 other than a licensed chiropractic physician from influencing or
168 otherwise interfering with the exercise of a chiropractic

169 physician's independent professional judgment. In addition to
170 the acts specified in subsection (1), a person other than a
171 licensed chiropractic physician and any entity other than a sole
172 proprietorship, group practice, partnership, or corporation that
173 is wholly owned by one or more chiropractic physicians licensed
174 under this chapter or by a chiropractic physician licensed under
175 this chapter and the spouse, parent, child, or sibling of that
176 physician, may not employ a chiropractic physician licensed
177 under this chapter or enter into a contract or arrangement with
178 a chiropractic physician pursuant to which such unlicensed
179 person or such entity exercises control over the following:

180 (a) The selection of a course of treatment for a patient,
181 the procedures or materials to be used as part of such course of
182 treatment, and the manner in which such course of treatment is
183 carried out by the licensee;

184 (b) The patient records of a chiropractor;

185 (c) Policies and decisions relating to pricing, credit,
186 refunds, warranties, and advertising; or

187 (d) Decisions relating to office personnel and hours of
188 practice.

189 (5) Any person who violates this section commits a felony
190 of the third degree, punishable as provided in s. 775.081, s.
191 775.083, or s. 775.035.

192 (6) Any contract or arrangement entered into or undertaken
193 in violation of this section shall be void as contrary to public
194 policy. This section applies to contracts entered into or
195 renewed on or after October 1, 2010.

196 Section 5. This act shall take effect July 1, 2007.