

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. 460.408, F.S.; revising
8 requirements for continuing education; amending s.
9 460.4165, F.S.; revising conditions under which a
10 certified chiropractic physician's assistant may perform
11 services; revising provisions relating to certified
12 chiropractic physician's assistant licensure application;
13 restricting the place of practice of certified
14 chiropractic physician's assistants performing services
15 under indirect supervision; creating s. 460.4167, F.S.;
16 providing requirements for proprietorships owned by
17 persons other than licensed chiropractic physicians;
18 providing prohibitions; providing penalties; providing a
19 purpose; providing an effective date.

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

22
23 Section 1. Subsection (1) of section 460.406, Florida
24 Statutes, is amended, and subsections (5) and (6) are added to
25 that section, to read:

26 460.406 Licensure by examination.--

27 (1) Any person desiring to be licensed as a chiropractic
28 physician shall apply to the department to take the licensure

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29 examination. There shall be an application fee set by the board
30 not to exceed \$100 which shall be nonrefundable. There shall
31 also be an examination fee not to exceed \$500 plus the actual
32 per applicant cost to the department for purchase of portions of
33 the examination from the National Board of Chiropractic
34 Examiners or a similar national organization, which may be
35 refundable if the applicant is found ineligible to take the
36 examination. The department shall examine each applicant who the
37 board certifies has:

38 (a) Completed the application form and remitted the
39 appropriate fee.

40 (b) Submitted proof satisfactory to the department that he
41 or she is not less than 18 years of age.

42 (c) Submitted proof satisfactory to the department that he
43 or she is a graduate of a chiropractic college which is
44 accredited by or has status with the Council on Chiropractic
45 Education or its predecessor agency. However, any applicant who
46 is a graduate of a chiropractic college that was initially
47 accredited by the Council on Chiropractic Education in 1995, who
48 graduated from such college within the 4 years immediately
49 preceding such accreditation, and who is otherwise qualified
50 shall be eligible to take the examination. No application for a
51 license to practice chiropractic medicine shall be denied solely
52 because the applicant is a graduate of a chiropractic college
53 that subscribes to one philosophy of chiropractic medicine as
54 distinguished from another.

55 (d)1. For an applicant who has matriculated in a
56 chiropractic college prior to July 2, 1990, completed at least 2

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57 | years of residence college work, consisting of a minimum of one-
58 | half the work acceptable for a bachelor's degree granted on the
59 | basis of a 4-year period of study, in a college or university
60 | accredited by an accrediting agency recognized and approved by
61 | the United States Department of Education. However, prior to
62 | being certified by the board to sit for the examination, each
63 | applicant who has matriculated in a chiropractic college after
64 | July 1, 1990, shall have been granted a bachelor's degree, based
65 | upon 4 academic years of study, by a college or university
66 | accredited by a regional accrediting agency which is a member of
67 | the Commission on Recognition of Postsecondary Accreditation.

68 | 2. Effective July 1, 2000, completed, prior to
69 | matriculation in a chiropractic college, at least 3 years of
70 | residence college work, consisting of a minimum of 90 semester
71 | hours leading to a bachelor's degree in a liberal arts college
72 | or university accredited by an accrediting agency recognized and
73 | approved by the United States Department of Education. However,
74 | prior to being certified by the board to sit for the
75 | examination, each applicant who has matriculated in a
76 | chiropractic college after July 1, 2000, shall have been granted
77 | a bachelor's degree from an institution holding accreditation
78 | for that degree from a regional accrediting agency which is
79 | recognized by the United States Department of Education. The
80 | applicant's chiropractic degree must consist of credits earned
81 | in the chiropractic program and may not include academic credit
82 | for courses from the bachelor's degree.

83 | (e) Successfully completed the National Board of
84 | Chiropractic Examiners certification examination in parts I, II,

85 ~~and III and II and clinical competency~~, with a score approved by
 86 the board, ~~within 10 years immediately preceding application to~~
 87 ~~the department for licensure.~~

88 (f) Submitted to the department a set of fingerprints on a
 89 form and under procedures specified by the department, along
 90 with payment in an amount equal to the costs incurred by the
 91 Department of Health for the criminal background check of the
 92 applicant.

93 (5) A student in a school or college of chiropractic
 94 accredited by the Council on Chiropractic Education or its
 95 successor in the final year of the program may file an
 96 application pursuant to subsection (1), take all examinations
 97 required for licensure, submit a set of fingerprints, and pay
 98 all fees required for licensure. A chiropractic student who
 99 successfully completes the licensure examinations and who
 100 otherwise meets all requirements for licensure as a chiropractic
 101 physician during the student's final year must have graduated
 102 before being certified for licensure pursuant to this section.

103 (6) The board may require an applicant who graduated from
 104 a Council on Chiropractic Education accredited institution more
 105 than 10 years prior to the date of application to the board to
 106 take the National Board of Chiropractic Examiners' Special
 107 Purposes Examination for Chiropractic or its equivalent, as
 108 determined by the board. The board shall establish by rule a
 109 passing score.

110 Section 2. Paragraph (e) of subsection (1) and subsection
 111 (2) of section 460.4062, Florida Statutes, are amended to read:
 112 460.4062 Chiropractic medicine faculty certificate.--

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

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

123 2. Provides a certification from the dean of the
 124 appointing college acknowledging the appointment.

125 (2) The certificate shall authorize the holder to practice
 126 only in conjunction with his or her faculty position at a
 127 ~~publicly funded state~~ university or college and its affiliated
 128 clinics that are registered with the board as sites at which
 129 holders of chiropractic medicine faculty certificates will be
 130 practicing. Except as provided in subsection (4), such
 131 certificate shall automatically expire upon termination of the
 132 holder's relationship with the university or college ~~school~~ or
 133 after a period of 2 years, whichever occurs first.

134 Section 3. Subsection (1) of section 460.408, Florida
 135 Statutes, is amended to read:

136 460.408 Continuing chiropractic education.--

137 (1) The board shall require licensees to periodically
 138 demonstrate their professional competence as a condition of
 139 renewal of a license by completing up to 40 contact classroom
 140 hours of continuing education.

141 (a) Continuing education courses sponsored by chiropractic
 142 colleges whose graduates are eligible for examination under any
 143 provision of this chapter shall be approved by the board if all
 144 other requirements of board rules setting forth criteria for
 145 course approval are met.

146 (b) The board shall approve those courses that build upon
 147 the basic courses required for the practice of chiropractic
 148 medicine, and the board may also approve courses in adjunctive
 149 modalities.

150 Section 4. Paragraph (b) of subsection (2) and subsection
 151 (6) of section 460.4165, Florida Statutes, are amended, and
 152 subsection (14) is added to that section, to read:

153 460.4165 Certified chiropractic physician's assistants.--

154 (2) PERFORMANCE BY CERTIFIED CHIROPRACTIC PHYSICIAN'S
 155 ASSISTANT.--Notwithstanding any other provision of law, a
 156 certified chiropractic physician's assistant may perform
 157 chiropractic services in the specialty area or areas for which
 158 the certified chiropractic physician's assistant is trained or
 159 experienced when such services are rendered under the
 160 supervision of a licensed chiropractic physician or group of
 161 chiropractic physicians certified by the board. Any certified
 162 chiropractic physician's assistant certified under this section
 163 to perform services may perform those services only:

164 (b) Under indirect supervision if the indirect supervision
 165 occurs at the principal place of practice of the chiropractic
 166 physician to whom she or he is assigned as defined by rule of
 167 the board;

168 (6) APPLICATION APPROVAL.--Any person desiring to be
 169 licensed as a certified chiropractic physician's assistant must
 170 apply to the department. The application shall include a work
 171 arrangement proposal and, as part of the application process,
 172 the board shall interview the proposed supervising chiropractic
 173 physician and the applicant about the work arrangement proposal.

174 The department shall issue a certificate to any person certified
 175 by the board as having met the following requirements:

- 176 (a) Is at least 18 years of age.
- 177 (b) Is a graduate of an approved program or its equivalent
 178 and is fully certified by reason of experience and education, as
 179 defined by board rule, to perform chiropractic services under
 180 the responsible supervision of a licensed chiropractic physician
 181 and when the board is satisfied that the public will be
 182 adequately protected by the arrangement proposed in the
 183 application.

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

- 188 1. A certificate of completion of a physician's assistant
 189 training program specified in subsection (5).
- 190 2. A sworn statement of any prior felony conviction in any
 191 jurisdiction.
- 192 3. A sworn statement of any previous revocation or denial
 193 of licensure or certification in any state or jurisdiction.

194 (14) SUPERVISION OF CERTIFIED CHIROPRACTIC PHYSICIAN'S
 195 ASSISTANTS AT LICENSED CLINICS.--A certified chiropractic

196 physician's assistant certified under this section to perform
 197 services at a clinic licensed under part X of chapter 400 may
 198 perform those services only under direct supervision of the
 199 chiropractic physician to whom she or he is assigned.

200 Section 5. Section 460.4167, Florida Statutes, is created
 201 to read:

202 460.4167 Proprietorship by persons other than licensed
 203 chiropractic physicians.--

204 (1) Effective July 1, 2008, no person other than a sole
 205 proprietorship, group practice, partnership, or corporation that
 206 is wholly owned by one or more chiropractic physicians licensed
 207 under this chapter or by a chiropractic physician licensed under
 208 this chapter and the spouse, parent, child, or sibling of that
 209 chiropractic physician may employ a chiropractic physician
 210 licensed under this chapter or engage a chiropractic physician
 211 licensed under this chapter as an independent contractor to
 212 provide services authorized by this chapter to be offered by a
 213 chiropractic physician licensed under this chapter, except for:

214 (a) A sole proprietorship, group practice, partnership, or
 215 corporation that is wholly owned by a physician or physicians
 216 licensed under this chapter, chapter 458, chapter 459, or
 217 chapter 461.

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

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

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

224 (e) An entity that is exempt from federal taxation under
225 s. 501(c)(3) or (4) of the Internal Revenue Code, any community
226 college or university clinic, and any entity owned or operated
227 by the Federal Government or by state government, including any
228 agency, county, municipality, or other political subdivision
229 thereof.

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

232 (g) A clinic licensed under part X of chapter 400 that
233 provides health care services by physicians licensed under
234 chapter 458, chapter 459, or chapter 460, the medical director
235 of which is licensed under chapter 458 or chapter 459.

236 (h) A state-licensed insurer.

237 (2) No person other than a chiropractic physician licensed
238 under this chapter shall direct, control, or interfere with a
239 chiropractic physician's clinical judgment regarding medical
240 necessity of chiropractic treatment. For purposes of this
241 subsection, a chiropractic physician's clinical judgment does
242 not apply to chiropractic services contractually excluded, the
243 application of alternative services that may be appropriate
244 given the chiropractic physician's prescribed course of
245 treatment, or determinations comparing contractual provisions
246 and scope of coverage with a chiropractic physician's prescribed
247 treatment on behalf of a covered person by an insurer, health
248 maintenance organization, or prepaid limited health service
249 organization.

250 (3) Any lease agreement, rental agreement, or other
251 arrangement between a person other than a licensed chiropractic

252 physician and a chiropractic physician whereby the person other
253 than a licensed chiropractic physician provides the chiropractic
254 physician with chiropractic equipment or chiropractic materials
255 shall contain a provision whereby the chiropractic physician
256 expressly maintains complete care, custody, and control of the
257 equipment or practice.

258 (4) The purpose of this section is to prevent a person
259 other than a licensed chiropractic physician from influencing or
260 otherwise interfering with the exercise of a chiropractic
261 physician's independent professional judgment. In addition to
262 the acts specified in subsection (1), a person other than a
263 licensed chiropractic physician and any entity other than a sole
264 proprietorship, group practice, partnership, or corporation that
265 is wholly owned by one or more chiropractic physicians licensed
266 under this chapter or by a chiropractic physician licensed under
267 this chapter and the spouse, parent, child, or sibling of that
268 physician, may not employ a chiropractic physician licensed
269 under this chapter or enter into a contract or arrangement with
270 a chiropractic physician pursuant to which such unlicensed
271 person or such entity exercises control over the following:

272 (a) The selection of a course of treatment for a patient,
273 the procedures or materials to be used as part of such course of
274 treatment, and the manner in which such course of treatment is
275 carried out by the licensee;

276 (b) The patient records of a chiropractor;

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

279 (d) Decisions relating to office personnel and hours of

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280 practice.

281 (5) Any person who violates this section commits a felony
282 of the third degree, punishable as provided in s. 775.081, s.
283 775.083, or s. 775.035.

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

288 Section 6. This act shall take effect July 1, 2007.