

By Senator Lynn

13-1248A-07

See HB

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

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Subsection (5) is added to section 460.406,
26 Florida Statutes, to read:

27 460.406 Licensure by examination.--

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

1 required for licensure, submit a set of fingerprints, and pay
2 all fees required for licensure. A chiropractic student who
3 successfully completes the licensure examinations and who
4 otherwise meets all requirements for licensure as a
5 chiropractic physician during the student's final year must
6 have graduated before being certified for licensure pursuant
7 to this section.

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

11 460.4062 Chiropractic medicine faculty certificate.--

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

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

22 2. Provides a certification from the dean of the
23 appointing college acknowledging the appointment.

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

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

7 460.4165 Certified chiropractic physician's
8 assistants.--

9 (2) PERFORMANCE BY CERTIFIED CHIROPRACTIC PHYSICIAN'S
10 ASSISTANT.--Notwithstanding any other provision of law, a
11 certified chiropractic physician's assistant may perform
12 chiropractic services in the specialty area or areas for which
13 the certified chiropractic physician's assistant is trained or
14 experienced when such services are rendered under the
15 supervision of a licensed chiropractic physician or group of
16 chiropractic physicians certified by the board. Any certified
17 chiropractic physician's assistant certified under this
18 section to perform services may perform those services only:

19 (b) Under indirect supervision if the indirect
20 supervision occurs at the principal place of practice of the
21 chiropractic physician to whom she or he is assigned as
22 defined by rule of the board;

23 (6) APPLICATION APPROVAL.--Any person desiring to be
24 licensed as a certified chiropractic physician's assistant
25 must apply to the department. The application shall include a
26 work arrangement proposal and, as part of the application
27 process, the board shall interview the proposed supervising
28 chiropractic physician and the applicant about the work
29 arrangement proposal. The department shall issue a certificate
30 to any person certified by the board as having met the
31 following requirements:

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

2 (b) Is a graduate of an approved program or its
3 equivalent and is fully certified by reason of experience and
4 education, as defined by board rule, to perform chiropractic
5 services under the responsible supervision of a licensed
6 chiropractic physician and when the board is satisfied that
7 the public will be adequately protected by the arrangement
8 proposed in the application.

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

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

15 2. A sworn statement of any prior felony conviction in
16 any jurisdiction.

17 3. A sworn statement of any previous revocation or
18 denial of licensure or certification in any state or
19 jurisdiction.

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

26 Section 4. Section 460.4167, Florida Statutes, is
27 created to read:

28 460.4167 Proprietorship by persons other than licensed
29 chiropractic physicians.--

30 (1) Effective July 1, 2008, no person other than a
31 sole proprietorship, group practice, partnership, or

1 corporation that is wholly owned by one or more chiropractic
2 physicians licensed under this chapter or by a chiropractic
3 physician licensed under this chapter and the spouse, parent,
4 child, or sibling of that chiropractic physician may employ a
5 chiropractic physician licensed under this chapter or engage a
6 chiropractic physician licensed under this chapter as an
7 independent contractor to provide services authorized by this
8 chapter to be offered by a chiropractic physician licensed
9 under this chapter, except for:

10 (a) A sole proprietorship, group practice,
11 partnership, or corporation that is wholly owned by a
12 physician or physicians licensed under this chapter, chapter
13 458, chapter 459, or chapter 461.

14 (b) Entities that are owned, directly or indirectly,
15 by an entity licensed or registered by the state under chapter
16 395.

17 (c) Clinical facilities affiliated with a college of
18 chiropractic accredited by the Council on Chiropractic
19 Education at which training is provided for chiropractic
20 students.

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

22 (e) An entity that is exempt from federal taxation
23 under s. 501(c)(3) or (4) of the Internal Revenue Code, any
24 community college or university clinic, and any entity owned
25 or operated by the Federal Government or by state government,
26 including any agency, county, municipality, or other political
27 subdivision thereof.

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

30 (g) A clinic licensed under part X of chapter 400 that
31 provides health care services by physicians licensed under

1 chapter 458, chapter 459, or chapter 460, the medical director
2 of which is licensed under chapter 458 or chapter 459.

3 (h) A state-licensed insurer.

4 (2) No person other than a chiropractic physician
5 licensed under this chapter shall direct, control, or
6 interfere with a chiropractic physician's clinical judgment.
7 For purposes of this subsection, a chiropractic physician's
8 clinical judgment does not apply to chiropractic services
9 contractually excluded, the application of alternative
10 services that may be appropriate given the chiropractic
11 physician's prescribed course of treatment, or determinations
12 comparing contractual provisions and scope of coverage with a
13 chiropractic physician's prescribed treatment on behalf of a
14 covered person by an insurer, health maintenance organization,
15 or prepaid limited health service organization.

16 (3) Any lease agreement, rental agreement, or other
17 arrangement between a person other than a licensed
18 chiropractic physician and a chiropractic physician whereby
19 the person other than a licensed chiropractic physician
20 provides the chiropractic physician with chiropractic
21 equipment or chiropractic materials shall contain a provision
22 whereby the chiropractic physician expressly maintains
23 complete care, custody, and control of the equipment or
24 practice.

25 (4) The purpose of this section is to prevent a person
26 other than a licensed chiropractic physician from influencing
27 or otherwise interfering with the exercise of a chiropractic
28 physician's independent professional judgment. In addition to
29 the acts specified in subsection (1), a person other than a
30 licensed chiropractic physician and any entity other than a
31 sole proprietorship, group practice, partnership, or

1 corporation that is wholly owned by one or more chiropractic
2 physicians licensed under this chapter or by a chiropractic
3 physician licensed under this chapter and the spouse, parent,
4 child, or sibling of that physician, may not employ a
5 chiropractic physician licensed under this chapter or enter
6 into a contract or arrangement with a chiropractic physician
7 pursuant to which such unlicensed person or such entity
8 exercises control over the following:

9 (a) The selection of a course of treatment for a
10 patient, the procedures or materials to be used as part of
11 such course of treatment, and the manner in which such course
12 of treatment is carried out by the licensee;

13 (b) The patient records of a chiropractor;

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

16 (d) Decisions relating to office personnel and hours
17 of practice.

18 (5) Any person who violates this section commits a
19 felony of the third degree, punishable as provided in s.
20 775.081, s. 775.083, or s. 775.035.

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

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