



1           Section 1. Subsection (1) of section 460.406, Florida  
2 Statutes, is amended, and subsection (5) is added to that  
3 section, to read:

4           460.406 Licensure by examination.--

5           (1) Any person desiring to be licensed as a  
6 chiropractic physician must ~~shall~~ apply to the department to  
7 take the licensure examination. There shall be an application  
8 fee set by the board not to exceed \$100 which shall be  
9 nonrefundable. There shall also be an examination fee not to  
10 exceed \$500 plus the actual per applicant cost to the  
11 department for purchase of portions of the examination from  
12 the National Board of Chiropractic Examiners or a similar  
13 national organization, which may be refundable if the  
14 applicant is found ineligible to take the examination. The  
15 department shall examine each applicant who the board  
16 certifies has:

17           (a) Completed the application form and remitted the  
18 appropriate fee.

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

21           (c) Submitted proof satisfactory to the department  
22 that he or she is a graduate of a chiropractic college which  
23 is accredited by or has status with the Council on  
24 Chiropractic Education or its predecessor agency. However, any  
25 applicant who is a graduate of a chiropractic college that was  
26 initially accredited by the Council on Chiropractic Education  
27 in 1995, who graduated from such college within the 4 years  
28 immediately preceding such accreditation, and who is otherwise  
29 qualified shall be eligible to take the examination. No  
30 application for a license to practice chiropractic medicine  
31 shall be denied solely because the applicant is a graduate of

1 a chiropractic college that subscribes to one philosophy of  
2 chiropractic medicine as distinguished from another.

3 (d)1. For an applicant who has matriculated in a  
4 chiropractic college prior to July 2, 1990, completed at least  
5 2 years of residence college work, consisting of a minimum of  
6 one-half the work acceptable for a bachelor's degree granted  
7 on the basis of a 4-year period of study, in a college or  
8 university accredited by an accrediting agency recognized and  
9 approved by the United States Department of Education.

10 However, prior to being certified by the board to sit for the  
11 examination, each applicant who has matriculated in a  
12 chiropractic college after July 1, 1990, shall have been  
13 granted a bachelor's degree, based upon 4 academic years of  
14 study, by a college or university accredited by a regional  
15 accrediting agency which is a member of the Commission on  
16 Recognition of Postsecondary Accreditation.

17 2. Effective July 1, 2000, completed, prior to  
18 matriculation in a chiropractic college, at least 3 years of  
19 residence college work, consisting of a minimum of 90 semester  
20 hours leading to a bachelor's degree in a liberal arts college  
21 or university accredited by an accrediting agency recognized  
22 and approved by the United States Department of Education.

23 However, prior to being certified by the board to sit for the  
24 examination, each applicant who has matriculated in a  
25 chiropractic college after July 1, 2000, shall have been  
26 granted a bachelor's degree from an institution holding  
27 accreditation for that degree from a regional accrediting  
28 agency which is recognized by the United States Department of  
29 Education. The applicant's chiropractic degree must consist  
30 of credits earned in the chiropractic program and may not  
31

1 include academic credit for courses from the bachelor's  
2 degree.

3 (e) Successfully completed the National Board of  
4 Chiropractic Examiners certification examination in parts I,  
5 ~~and II,~~ and III clinical competency, with a score approved by  
6 the board, ~~within 10 years immediately preceding application~~  
7 ~~to the department for licensure.~~

8 (f) Submitted to the department a set of fingerprints  
9 on a form and under procedures specified by the department,  
10 along with payment in an amount equal to the costs incurred by  
11 the Department of Health for the criminal background check of  
12 the applicant.

13

14 The board may require an applicant who graduated from an  
15 institution accredited by the Council on Chiropractic  
16 Education more than 10 years before the date of application to  
17 the board to take the National Board of Chiropractic Examiners  
18 Special Purposes Examination for Chiropractic, or its  
19 equivalent, as determined by the board. The board shall  
20 establish by rule a passing score.

21 (5) A student in a school or college of chiropractic  
22 accredited by the Council on Chiropractic Education or its  
23 successor in the final year of the program may file an  
24 application pursuant to subsection (1), take all examinations  
25 required for licensure, submit a set of fingerprints, and pay  
26 all fees required for licensure. A chiropractic student who  
27 successfully completes the licensure examinations and who  
28 otherwise meets all requirements for licensure as a  
29 chiropractic physician during the student's final year must  
30 have graduated before being certified for licensure pursuant  
31 to this section.

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

4           460.4062 Chiropractic medicine faculty certificate.--

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

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

15           2. Provides a certification from the dean of the  
16 appointing college acknowledging the appointment.

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

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

30           460.4165 Certified chiropractic physician's  
31 assistants.--

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

11           (b) Under indirect supervision if the indirect  
12 supervision occurs at the address of record or place of  
13 practice required by s. 456.035, other than at a clinic  
14 licensed under part X of chapter 400, of the chiropractic  
15 physician to whom she or he is assigned as defined by rule of  
16 the board;

17           (6) APPLICATION APPROVAL.--Any person desiring to be  
18 licensed as a certified chiropractic physician's assistant  
19 must apply to the department. The application shall include a  
20 work-arrangement proposal and, as part of the application  
21 process, the board shall interview the proposed supervising  
22 chiropractic physician, whose license must not be encumbered  
23 or restricted, and the applicant shall determine whether the  
24 work-arrangement proposal provides for responsible  
25 supervision, as a condition of certification and approval of  
26 any subsequent changes in the supervising physician. The  
27 department shall issue a certificate to any person certified  
28 by the board as having met the following requirements:

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

30           (b) Is a graduate of an approved program or its  
31 equivalent and is fully certified by reason of experience and

1 education, as defined by board rule, to perform chiropractic  
2 services under the responsible supervision of a licensed  
3 chiropractic physician and when the board is satisfied that  
4 the public will be adequately protected by the arrangement  
5 proposed in the application.

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

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

12 2. A sworn statement of any prior felony conviction in  
13 any jurisdiction.

14 3. A sworn statement of any previous revocation or  
15 denial of licensure or certification in any state or  
16 jurisdiction.

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

23 Section 4. Section 460.4167, Florida Statutes, is  
24 created to read:

25 460.4167 Proprietorship by persons other than licensed  
26 chiropractic physicians.--

27 (1) Effective July 1, 2008, no person other than a  
28 sole proprietorship, group practice, partnership, or  
29 corporation that is wholly owned by one or more chiropractic  
30 physicians licensed under this chapter or by a chiropractic  
31 physician licensed under this chapter and the spouse, parent,

1 child, or sibling of that chiropractic physician may employ a  
2 chiropractic physician licensed under this chapter or engage a  
3 chiropractic physician licensed under this chapter as an  
4 independent contractor to provide services authorized by this  
5 chapter to be offered by a chiropractic physician licensed  
6 under this chapter, except for:

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

11       (b) Entities that are owned, directly or indirectly,  
12 by an entity licensed or registered by the state under chapter  
13 395.

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

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

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

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

27       (g) A clinic licensed under part X of chapter 400 that  
28 provides health care services by physicians licensed under  
29 chapter 458, chapter 459, or chapter 460, the medical director  
30 of which is licensed under chapter 458 or chapter 459.

31       (h) A state-licensed insurer.

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

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

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

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

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

11       (b) The patient records of a chiropractor;

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

14       (d) Decisions relating to office personnel and hours  
15 of practice.

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

19       (6) Any contract or arrangement entered into or  
20 undertaken in violation of this section shall be void as  
21 contrary to public policy. This section applies to contracts  
22 entered into or renewed on or after July 1, 2008.

23       Section 5. Subsection (1) of section 460.408, Florida  
24 Statutes, is amended to read:

25       460.408 Continuing chiropractic education.--

26       (1) The board shall require licensees to periodically  
27 demonstrate their professional competence as a condition of  
28 renewal of a license by completing up to 40 contact classroom  
29 hours of continuing education.

30       (a) Continuing education courses sponsored by  
31 chiropractic colleges whose graduates are eligible for

1 examination under any provision of this chapter shall be  
2 approved by the board if all other requirements of board rules  
3 setting forth criteria for course approval are met.

4 (b) The board shall approve those courses that build  
5 upon the basic courses required for the practice of  
6 chiropractic medicine, and the board may also approve courses  
7 in adjunctive modalities.

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

9  
10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
11 COMMITTEE SUBSTITUTE FOR  
12 Senate Bill 2858

13 The committee substitute deletes a requirement that  
14 chiropractic physician licensure applicants must have  
15 successfully completed specified parts of the National Board  
16 of Chiropractic Examiners certification examination within 10  
17 years immediately preceding application to the Department of  
18 Health. The committee substitute corrects references to the  
19 examination to state that applicants must pass part III of the  
20 certification examination, which is the portion that tests  
21 clinical competency.

22 The Florida Board of Chiropractic Medicine is authorized to  
23 require an applicant who has graduated from an institution  
24 accredited by the Council on Chiropractic Education more than  
25 10 years before the date of application to take the National  
26 Board of Chiropractic Examiners Special Purposes Examination  
27 for Chiropractic (SPEX), or its equivalent, as determined by  
28 the Florida Board of Chiropractic Medicine. The Florida Board  
29 of Chiropractic Medicine must establish by rule a passing  
30 score for applicants who must sit for the SPEX examination.

31 The committee substitute expands the institutions where a  
person who holds a chiropractic medicine faculty certificate  
may practice as a faculty member to any Florida Board of  
Chiropractic Medicine-approved university or college and its  
affiliated clinics.

The committee substitute revises supervision requirements  
imposed on certified chiropractic physician's assistants.

The committee substitute limits chiropractic continuing  
education which may be approved by the Florida Board of  
Chiropractic Medicine to continuing education that is provided  
in the form of contact classroom hours, which requires  
face-to-face classroom interaction.