

By the Committees on Banking and Insurance; Health Regulation;
and Senator Lynn

597-2596-07

1 A bill to be entitled
2 An act relating to chiropractic medicine;
3 amending s. 460.406, F.S.; providing that the
4 Board of Chiropractic Medicine may require
5 certain applicants to take the National Board
6 of Chiropractic Examiners Special Purposes
7 Examination for Chiropractic or its equivalent;
8 providing requirements for students relating to
9 licensure as a chiropractic physician by
10 examination; amending s. 460.4062, F.S.;
11 revising provisions relating to chiropractic
12 medicine faculty certificates; amending s.
13 460.4165, F.S.; revising conditions under which
14 a certified chiropractic physician's assistant
15 may perform services; revising provisions
16 relating to certified chiropractic physician's
17 assistant licensure application; restricting
18 the place of practice of certified chiropractic
19 physician's assistants performing services
20 under indirect supervision; creating s.
21 460.4167, F.S.; providing requirements for
22 proprietorships owned by persons other than
23 licensed chiropractic physicians; providing
24 prohibitions; providing penalties; providing a
25 purpose; amending s. 460.408, F.S.; requiring a
26 specified number of contact classroom hours of
27 continuing education; providing effective
28 dates.
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30 Be It Enacted by the Legislature of the State of Florida:
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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
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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.

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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 to 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. Effective July 1, 2008, section 460.4167,
24 Florida Statutes, is created to read:

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

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

1 chiropractic physician may employ a chiropractic physician
2 licensed under this chapter or engage a chiropractic physician
3 licensed under this chapter as an independent contractor to
4 provide services authorized by this chapter to be offered by a
5 chiropractic physician licensed under this chapter, except
6 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. Except as otherwise expressly provided in
9 this act, this act shall take effect July 1, 2007.

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 CS/SB 2858

14 The committee substitute provides the following change:

15 Provides application of effective dates.
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