

1                   A bill to be entitled  
2           An act relating to chiropractic medicine; amending s.  
3           460.4062, F.S.; authorizing the Department of Health to  
4           issue a chiropractic medicine faculty certificate to  
5           faculty who perform research; amending s. 460.4165, F.S.;  
6           limiting the locations where certified chiropractic  
7           physician's assistants may perform chiropractic services;  
8           deleting restrictions on the minimum time permitted for  
9           completing the curriculum of a training program for  
10          certified chiropractic physician's assistants; amending s.  
11          460.4166, F.S.; requiring chiropractic assistants who  
12          perform certain services to register with the Board of  
13          Chiropractic Medicine after a specified date; requiring a  
14          registered chiropractic assistant to notify the board of a  
15          change of employment; requiring the supervision of  
16          registered chiropractic assistants by chiropractic  
17          physicians approved by the board; providing that the  
18          board's approval of supervising chiropractic physicians  
19          and registration applications shall apply retroactively;  
20          providing for a fee; requiring the board to prescribe  
21          forms; amending s. 460.4167, F.S.; revising restrictions  
22          on the ownership of entities that employ chiropractic  
23          physicians; authorizing additional persons to possess  
24          ownership interests in entities that employ chiropractic  
25          physicians; authorizing the surviving spouse of a deceased  
26          chiropractic physician to keep an ownership interest in  
27          the chiropractic practice for a specified period after the  
28          chiropractic physician's death; providing penalties for

29 | violations of provisions prohibiting ownership of a  
 30 | chiropractic practice by persons other than licensed  
 31 | chiropractic physicians; voiding contracts entered into or  
 32 | renewed before a specified date that violate provisions  
 33 | prohibiting ownership of a chiropractic practice by  
 34 | persons other than licensed chiropractic physicians;  
 35 | providing effective dates.  
 36 |

37 | Be It Enacted by the Legislature of the State of Florida:  
 38 |

39 | Section 1. Paragraph (e) of subsection (1) of section  
 40 | 460.4062, Florida Statutes, is amended to read:

41 | 460.4062 Chiropractic medicine faculty certificate.--

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

47 | (e)1. Has been offered and has accepted a full-time  
 48 | faculty appointment to teach in a program of chiropractic  
 49 | medicine or perform research at a publicly funded state  
 50 | university or college or at a college of chiropractic located in  
 51 | the state and accredited by the Council on Chiropractic  
 52 | Education; and

53 | 2. Provides a certification from the dean of the  
 54 | appointing college acknowledging the appointment.

55 | Section 2. Paragraph (b) of subsection (2) and subsection  
 56 | (5) of section 460.4165, Florida Statutes, are amended to read:

57 | 460.4165 Certified chiropractic physician's assistants.--

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

68 | (b) Under indirect supervision if the indirect supervision  
 69 | occurs at the supervising chiropractic physician's address of  
 70 | record ~~or place of practice~~ required by s. 456.035, other than  
 71 | at a clinic licensed under part X of chapter 400, of the  
 72 | chiropractic physician to whom she or he is assigned as defined  
 73 | by rule of the board;

74 | (5) PROGRAM APPROVAL.--The department shall issue  
 75 | certificates of approval for programs for the education and  
 76 | training of certified chiropractic physician's assistants which  
 77 | meet board standards. Any basic program curriculum certified by  
 78 | the board shall ~~cover a period of 24 months. The curriculum must~~  
 79 | consist of a curriculum of at least 200 didactic classroom hours  
 80 | ~~during these 24 months.~~

81 | (a) In developing criteria for program approval, the board  
 82 | shall give consideration to, and encourage, the utilization of  
 83 | equivalency and proficiency testing and other mechanisms whereby

84 full credit is given to trainees for past education and  
 85 experience in health fields.

86 (b) The board shall create groups of specialty  
 87 classifications of training for certified chiropractic  
 88 physician's assistants. These classifications shall reflect the  
 89 training and experience of the certified chiropractic  
 90 physician's assistant. The certified chiropractic physician's  
 91 assistant may receive training in one or more such  
 92 classifications, which shall be shown on the certificate issued.

93 (c) The board shall adopt and publish standards to ensure  
 94 that such programs operate in a manner which does not endanger  
 95 the health and welfare of the patients who receive services  
 96 within the scope of the program. The board shall review the  
 97 quality of the curricula, faculties, and facilities of such  
 98 programs; issue certificates of approval; and take whatever  
 99 other action is necessary to determine that the purposes of this  
 100 section are being met.

101 Section 3. Subsection (3) of section 460.4166, Florida  
 102 Statutes, is amended, and subsections (4) and (5) are added to  
 103 that section, to read:

104 460.4166 Registered chiropractic assistants.--

105 (3) REGISTRATION.--

106 (a) A registered chiropractic assistant ~~assistants~~ may  
 107 register with ~~be registered by~~ the board for a biennial fee not  
 108 to exceed \$25. Effective April 1, 2010, a person must register  
 109 with the board as a chiropractic assistant if the person  
 110 performs therapeutic services or administers therapeutic agents  
 111 related to a chiropractic physician's treatment of a patient,

112 unless the person is otherwise certified or licensed to perform  
 113 those services or administer those agents.

114 (b) A person employed as a registered chiropractic  
 115 assistant, if required to register under this section, must  
 116 submit an initial application for registration to the board  
 117 within 30 days after employment. Upon the board's approval of  
 118 the application, the effective date of the registration shall  
 119 apply retroactively to the date of employment.

120 (c) A registered chiropractic assistant, within 30 days  
 121 after a change of employment, must notify the board of the new  
 122 place of employment and the name of the chiropractic physician  
 123 or group of chiropractic physicians under whose supervision the  
 124 registered chiropractic assistant performs the duties described  
 125 in subsection (2).

126 (d) A person who exclusively performs nontherapeutic  
 127 services is not required to register under this section.

128 (4) APPROVAL OF SUPERVISING CHIROPRACTIC PHYSICIANS.--

129 (a) A chiropractic physician or group of chiropractic  
 130 physicians under whose supervision a registered chiropractic  
 131 assistant performs the duties described in subsection (2) must  
 132 be approved by the board. If a registered chiropractic assistant  
 133 performs those duties under the direct supervision of a  
 134 certified chiropractic physician's assistant, the chiropractic  
 135 physician or group of chiropractic physicians under whose  
 136 supervision the certified chiropractic physician's assistant  
 137 provides direct supervision for the registered chiropractic  
 138 assistant must be approved by the board.

139 (b) If a registered chiropractic assistant changes  
 140 employment, the supervising chiropractic physician or group of  
 141 chiropractic physicians at the new place of employment must be  
 142 approved by the board.

143 (c) Upon approval of a supervising chiropractic physician  
 144 or group of chiropractic physicians, the effective date of the  
 145 board's approval shall apply retroactively to the date of  
 146 employment. The board shall assess a fee for approval of a  
 147 supervising chiropractic physician or group of chiropractic  
 148 physicians not to exceed \$75.

149 (5) APPLICATION FORMS.--The board shall prescribe by rule  
 150 application forms for the initial registration of a registered  
 151 chiropractic assistant, the board's approval of a supervising  
 152 chiropractic physician or group of chiropractic physicians, and  
 153 the registered chiropractic assistant's notice of a change of  
 154 employment.

155 Section 4. Subsections (1) and (5) of section 460.4167,  
 156 Florida Statutes, are amended to read:

157 460.4167 Proprietorship by persons other than licensed  
 158 chiropractic physicians.--

159 ~~(1) No person other than a sole proprietorship, group~~  
 160 ~~practice, partnership, or corporation that is wholly owned by~~  
 161 ~~one or more chiropractic physicians licensed under this chapter~~  
 162 ~~or by a chiropractic physician licensed under this chapter and~~  
 163 ~~the spouse, parent, child, or sibling of that chiropractic~~  
 164 ~~physician may employ a chiropractic physician licensed under~~  
 165 ~~this chapter, or engage a chiropractic physician licensed under~~  
 166 ~~this chapter as an independent contractor, to provide services~~

167 authorized by this chapter to be offered by a chiropractic  
 168 physician licensed under this chapter, unless the person is any  
 169 of the following ~~except for~~:

170 (a) A sole proprietorship, group practice, partnership,  
 171 corporation, limited liability company, limited partnership,  
 172 professional association, or any other entity that is wholly  
 173 owned by:

174 1. One or more chiropractic physicians licensed under this  
 175 chapter;

176 2. A chiropractic physician licensed under this chapter  
 177 and the spouse or surviving spouse, parent, child, or sibling of  
 178 the chiropractic physician; or

179 3. A trust whose trustees are chiropractic physicians  
 180 licensed under this chapter and the spouse, parent, child, or  
 181 sibling of a chiropractic physician.

182 (b)-(a) A sole proprietorship, group practice, partnership,  
 183 or corporation, limited liability company, limited partnership,  
 184 professional association, or any other entity that is wholly  
 185 owned by a physician or physicians licensed under this chapter,  
 186 chapter 458, chapter 459, or chapter 461.

187 (c)-(b) An entity ~~Entities~~ that is wholly ~~are~~ owned,  
 188 directly or indirectly, by an entity licensed or registered by  
 189 the state under chapter 395.

190 (d)-(e) A clinical facility ~~facilities~~ affiliated with a  
 191 college of chiropractic accredited by the Council on  
 192 Chiropractic Education at which training is provided for  
 193 chiropractic students.

194 (e)-(d) A public or private university or college.

195        (f)~~(e)~~ An entity wholly owned and operated by an  
 196 organization that is exempt from federal taxation under s.  
 197 501(c)(3) or (4) of the Internal Revenue Code, a ~~any~~ community  
 198 college or university clinic, ~~and any entity owned or operated~~  
 199 ~~by~~ the Federal Government, or ~~by~~ state government, including any  
 200 agency, county, municipality, or other political subdivision  
 201 thereof.

202        (g)~~(f)~~ An entity owned by a corporation the stock of which  
 203 is publicly traded.

204        (h)~~(g)~~ A clinic licensed under part X of chapter 400 that  
 205 provides chiropractic services by a chiropractic physician  
 206 licensed under chapter 460 and other health care services by  
 207 physicians licensed under chapter 458 or, chapter 459, ~~or~~  
 208 ~~chapter 460~~, the medical director of which must be ~~is~~ licensed  
 209 under chapter 458 or chapter 459.

210        (i)~~(h)~~ A state-licensed insurer.

211        (j) A health maintenance organization or prepaid health  
 212 clinic regulated under chapter 641.

213  
 214 If a chiropractic physician described in subparagraph (a)2.  
 215 dies, notwithstanding part X of chapter 400, the deceased  
 216 chiropractic physician's surviving spouse may hold, operate,  
 217 pledge, sell, mortgage, assign, transfer, own, or control the  
 218 deceased chiropractic physician's ownership interests for 1 year  
 219 after the chiropractic physician's death. The chiropractic  
 220 practice must subsequently comply with this section and part X  
 221 of chapter 400.



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222 (5) Any person who violates this section commits a felony  
223 of the third degree, punishable as provided in s. 775.082  
224 ~~775.081~~, s. 775.083, or s. 775.084 ~~s. 775.035~~.

225 Section 5. Effective July 1, 2010, subsection (6) of  
226 section 460.4167, Florida Statutes, is amended to read:

227 460.4167 Proprietorship by persons other than licensed  
228 chiropractic physicians.--

229 (6) Any contract or arrangement entered into or undertaken  
230 in violation of this section is ~~shall be~~ void as contrary to  
231 public policy. ~~This section applies to contracts entered into or~~  
232 ~~renewed on or after July 1, 2008.~~

233 Section 6. Except as otherwise expressly provided in this  
234 act, this act shall take effect July 1, 2009.