

By Senator Detert

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1 A bill to be entitled
2 An act relating to chiropractic medicine; amending s.
3 460.4062, F.S.; revising the requirements for a
4 chiropractic medicine faculty certificate; amending s.
5 460.4165, F.S.; providing that services rendered by a
6 certified chiropractic physician's assistant under
7 indirect supervision may occur only at the supervising
8 chiropractic physician's address of record; deleting
9 the length of time specified for the basic program of
10 education and training for certified chiropractic
11 physician's assistants; amending s. 460.4166, F.S.;
12 requiring a person to register as a chiropractic
13 assistant if he or she renders therapeutic services or
14 administers therapeutic agents related to a
15 chiropractic physician's treatment of a patient;
16 providing registration requirements for such persons;
17 requiring a registered chiropractic assistant to
18 notify the Board of Chiropractic Medicine of his or
19 her change of employment; providing that a person who
20 exclusively performs nontherapeutic services is not
21 required to register as a chiropractic assistant;
22 requiring the approval of certain supervising
23 chiropractic physicians by the board; providing an
24 effective date for the board's approval; requiring a
25 fee for approval of a supervising chiropractic
26 physician or group of chiropractic physicians;
27 requiring the board to adopt by rule an application
28 form for the initial registration of a registered
29 chiropractic assistant, a form for the approval of

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30 supervising chiropractic physicians, and the notice of
31 a change of employment for registered chiropractic
32 assistants; amending s. 460.4167, F.S.; authorizing
33 certain limited liability companies, limited
34 partnerships, professional associations, other
35 entities, health care clinics licensed under part X of
36 ch. 400, F.S., health maintenance organizations, or
37 prepaid health clinics to employ a chiropractic
38 physician or engage a chiropractic physician as an
39 independent contractor to provide services authorized
40 by ch. 460, F.S.; authorizing the spouse of a deceased
41 chiropractic physician to hold, operate, pledge, sell,
42 mortgage, assign, transfer, own, or control the
43 deceased chiropractic physician's ownership interests
44 for a specified period of time after the chiropractic
45 physician's death; amending s. 460.4167, F.S.,
46 relating to proprietorships; deleting an obsolete
47 provision; providing effective dates.

48
49 Be It Enacted by the Legislature of the State of Florida:

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51 Section 1. Paragraph (e) of subsection (1) of section
52 460.4062, Florida Statutes, is amended to read:

53 460.4062 Chiropractic medicine faculty certificate.—

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

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59 (e)1. Has been offered and has accepted a full-time faculty
60 appointment to teach in a program of chiropractic medicine or
61 performs research at a publicly funded state university or
62 college or at a college of chiropractic located in the state and
63 accredited by the Council on Chiropractic Education; and

64 2. Provides a certification from the dean of the appointing
65 college acknowledging the appointment.

66 Section 2. Subsections (2) and (5) of section 460.4165,
67 Florida Statutes, are amended to read:

68 460.4165 Certified chiropractic physician's assistants.—

69 (2) PERFORMANCE BY CERTIFIED CHIROPRACTIC PHYSICIAN'S
70 ASSISTANT.—Notwithstanding any other provision of law, a
71 certified chiropractic physician's assistant may perform
72 chiropractic services in the specialty area or areas for which
73 the certified chiropractic physician's assistant is trained or
74 experienced when such services are rendered under the
75 supervision of a licensed chiropractic physician or group of
76 chiropractic physicians certified by the board. Any certified
77 chiropractic physician's assistant certified under this section
78 to perform services may perform those services only:

79 (a) In the office of the chiropractic physician to whom the
80 certified chiropractic physician's assistant has been assigned,
81 in which office such physician maintains her or his primary
82 practice;

83 (b) Under indirect supervision if the indirect supervision
84 occurs at the supervising chiropractic physician's address of
85 record ~~or place of practice~~ required by s. 456.035, other than
86 at a clinic licensed under part X of chapter 400, of the
87 chiropractic physician to whom she or he is assigned as defined

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88 by rule of the board;

89 (c) In a hospital in which the chiropractic physician to
90 whom she or he is assigned is a member of the staff; or

91 (d) On calls outside of the office of the chiropractic
92 physician to whom she or he is assigned, on the direct order of
93 the chiropractic physician to whom she or he is assigned.

94 (5) PROGRAM APPROVAL.—The department shall issue
95 certificates of approval for programs for the education and
96 training of certified chiropractic physician's assistants which
97 meet board standards. Any basic program curriculum certified by
98 the board shall ~~cover a period of 24 months. The curriculum must~~
99 consist of a curriculum of at least 200 didactic classroom hours
100 ~~during those 24 months.~~

101 (a) In developing criteria for program approval, the board
102 shall give consideration to, and encourage, the utilization of
103 equivalency and proficiency testing and other mechanisms whereby
104 full credit is given to trainees for past education and
105 experience in health fields.

106 (b) The board shall create groups of specialty
107 classifications of training for certified chiropractic
108 physician's assistants. These classifications shall reflect the
109 training and experience of the certified chiropractic
110 physician's assistant. The certified chiropractic physician's
111 assistant may receive training in one or more such
112 classifications, which shall be shown on the certificate issued.

113 (c) The board shall adopt and publish standards to ensure
114 that such programs operate in a manner which does not endanger
115 the health and welfare of the patients who receive services
116 within the scope of the program. The board shall review the

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117 quality of the curricula, faculties, and facilities of such
118 programs; issue certificates of approval; and take whatever
119 other action is necessary to determine that the purposes of this
120 section are being met.

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

124 460.4166 Registered chiropractic assistants.—

125 (3) REGISTRATION.—

126 (a) A registered chiropractic assistant ~~assistants~~ may
127 register with ~~be registered by~~ the board for a biennial fee not
128 to exceed \$25. Effective April 1, 2012, a person must register
129 with the board as a chiropractic assistant if the person
130 performs therapeutic services or administers therapeutic agents
131 related to a chiropractic physician's treatment of a patient,
132 unless the person is otherwise certified or licensed to perform
133 those services or administer those agents.

134 (b) A person employed as a registered chiropractic
135 assistant, if required to register under this section, must
136 submit an initial application for registration to the board
137 within 30 days after employment. Upon the board's approval of
138 the application, the effective date of the registration shall
139 apply retroactively to the date of employment.

140 (c) A registered chiropractic assistant, within 30 days
141 after a change of employment, must notify the board of the new
142 place of employment and the name of the chiropractic physician
143 or group of chiropractic physicians under whose supervision the
144 registered chiropractic assistant performs the duties described
145 in subsection (2).

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

148 (4) APPROVAL OF SUPERVISING CHIROPRACTIC PHYSICIANS.—

149 (a) A chiropractic physician or group of chiropractic
150 physicians under whose supervision a registered chiropractic
151 assistant performs the duties described in subsection (2) must
152 be approved by the board. If a registered chiropractic assistant
153 performs those duties under the direct supervision of a
154 certified chiropractic physician's assistant, the chiropractic
155 physician or group of chiropractic physicians under whose
156 supervision the certified chiropractic physician's assistant
157 provides direct supervision for the registered chiropractic
158 assistant must be approved by the board.

159 (b) If a registered chiropractic assistant changes
160 employment, the supervising chiropractic physician or group of
161 chiropractic physicians at the new place of employment must be
162 approved by the board.

163 (c) Upon approval of a supervising chiropractic physician
164 or group of chiropractic physicians, the effective date of the
165 board's approval applies retroactively to the date of
166 employment. The board shall assess a fee for approval of a
167 supervising chiropractic physician or group of chiropractic
168 physicians which may not exceed \$75.

169 (5) APPLICATION FORMS.—The board shall prescribe by rule
170 application forms for the initial registration of a registered
171 chiropractic assistant, the board's approval of a supervising
172 chiropractic physician or group of chiropractic physicians, and
173 the registered chiropractic assistant's notice of a change of
174 employment.

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

177 460.4167 Proprietorship by persons other than licensed
178 chiropractic physicians.—

179 (1) A ~~No person other than a sole proprietorship, group~~
180 ~~practice, partnership, or corporation that is wholly owned by~~
181 ~~one or more chiropractic physicians licensed under this chapter~~
182 ~~or by a chiropractic physician licensed under this chapter and~~
183 ~~the spouse, parent, child, or sibling of that chiropractic~~
184 ~~physician~~ may not employ a chiropractic physician licensed under
185 this chapter or engage a chiropractic physician licensed under
186 this chapter as an independent contractor to provide services
187 authorized by this chapter to be offered by a chiropractic
188 physician licensed under this chapter, unless a person is any of
189 the following except for:

190 (a) A sole proprietorship, group practice, partnership,
191 corporation, limited liability company, limited partnership, any
192 person, professional association, or any other entity that is
193 wholly owned by:

194 1. One or more chiropractic physicians licensed under this
195 chapter;

196 2. A chiropractic physician licensed under this chapter and
197 the spouse or surviving spouse, parent, child, or sibling of the
198 chiropractic physician; or

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

202 (b) ~~(a)~~ A sole proprietorship, group practice, partnership,
203 or corporation, limited liability company, limited partnership,

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204 professional association, or any other entity that is wholly
205 owned by a physician or physicians licensed under this chapter,
206 chapter 458, chapter 459, or chapter 461.

207 ~~(c)~~ (b) ~~An entity~~ Entities that is wholly ~~are~~ owned,
208 directly or indirectly, by an entity licensed or registered by
209 the state under chapter 395.

210 ~~(d)~~ (e) A clinical facility that is ~~facilities~~ affiliated
211 with a college of chiropractic accredited by the Council on
212 Chiropractic Education at which training is provided for
213 chiropractic students.

214 ~~(e)~~ (d) A public or private university or college.

215 ~~(f)~~ (e) An entity wholly owned and operated by an
216 organization that is exempt from federal taxation under s.
217 501(c)(3) or (4) of the Internal Revenue Code, a ~~any~~ community
218 college or university clinic, and any entity owned or operated
219 by the Federal Government or by state government, including any
220 agency, county, municipality, or other political subdivision
221 thereof.

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

224 ~~(h)~~ (g) A clinic licensed under part X of chapter 400 which
225 ~~that~~ provides chiropractic services by a chiropractic physician
226 licensed under chapter 460 and other health care services by
227 physicians licensed under chapter 458 or, chapter 459, ~~or~~
228 ~~chapter 460~~, the medical director of which is licensed under
229 chapter 458 or chapter 459.

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

231 (j) A health maintenance organization or prepaid health
232 clinic regulated under chapter 641.

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233
234 If a chiropractic physician described in subparagraph (a)2.
235 dies, notwithstanding part X of chapter 400, the deceased
236 chiropractic physician's surviving spouse may hold, operate,
237 pledge, sell, mortgage, assign, transfer, own, or control the
238 deceased chiropractic physician's ownership interests for 1 year
239 after the chiropractic physician's death. The chiropractic
240 practice must subsequently comply with this section and part X
241 of chapter 400.

242 (5) Any person who violates this section commits a felony
243 of the third degree, punishable as provided in s. 775.082 ~~s.~~
244 ~~775.081~~, s. 775.083, or s. 775.084 ~~s. 775.035~~.

245 Section 5. Effective July 1, 2011, subsection (6) of
246 section 460.4167, Florida Statutes, is amended to read:

247 460.4167 Proprietorship by persons other than licensed
248 chiropractic physicians.—

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

253 Section 6. Except as otherwise expressly provided in this
254 act, this act shall take effect July 1, 2010.