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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 the
9 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 assistant
13 if he or she renders therapeutic services or administers
14 therapeutic agents related to a chiropractic physician's
15 treatment of a patient; providing registration
16 requirements for such persons; requiring a registered
17 chiropractic assistant to notify the Board of Chiropractic
18 Medicine of his or her change of employment; providing
19 that a person who exclusively performs nontherapeutic
20 services is not required to register as a chiropractic
21 assistant; requiring the approval of certain supervising
22 chiropractic physicians by the board; providing an
23 effective date for the board's approval; requiring a fee
24 for approval of a supervising chiropractic physician or
25 group of chiropractic physicians; requiring the board to
26 adopt by rule an application form for the initial
27 registration of a registered chiropractic assistant, a
28 form for the approval of supervising chiropractic

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

46 |
47 | Be It Enacted by the Legislature of the State of Florida:

48 |
49 | Section 1. Paragraph (e) of subsection (1) of section
50 | 460.4062, Florida Statutes, is amended to read:

51 | 460.4062 Chiropractic medicine faculty certificate.—

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

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

67 | 460.4165 Certified chiropractic physician's assistants.—

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

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

82 | (b) Under indirect supervision if the indirect supervision
 83 | occurs at the supervising chiropractic physician's address of
 84 | record ~~or place of practice~~ required by s. 456.035, other than

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85 at a clinic licensed under part X of chapter 400, of the
86 chiropractic physician to whom she or he is assigned as defined
87 by rule of the board;

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

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

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

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

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

112 (c) The board shall adopt and publish standards to ensure
 113 that such programs operate in a manner which does not endanger
 114 the health and welfare of the patients who receive services
 115 within the scope of the program. The board shall review the
 116 quality of the curricula, faculties, and facilities of such
 117 programs; issue certificates of approval; and take whatever
 118 other action is necessary to determine that the purposes of this
 119 section are being met.

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

123 460.4166 Registered chiropractic assistants.—

124 (3) REGISTRATION.—

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

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

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

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

147 (4) APPROVAL OF SUPERVISING CHIROPRACTIC PHYSICIANS.—

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

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

162 (c) Upon approval of a supervising chiropractic physician
 163 or group of chiropractic physicians, the effective date of the
 164 board's approval applies retroactively to the date of
 165 employment. The board shall assess a fee for approval of a

166 supervising chiropractic physician or group of chiropractic
 167 physicians which may not exceed \$75.

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

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

176 460.4167 Proprietorship by persons other than licensed
 177 chiropractic physicians.—

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

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

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

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

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

201 (b)-(a) A sole proprietorship, group practice, partnership,
 202 or corporation, limited liability company, limited partnership,
 203 professional association, or any other entity that is wholly
 204 owned by a physician or physicians licensed under this chapter,
 205 chapter 458, chapter 459, or chapter 461.

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

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

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

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

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

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

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

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

232
 233 If a chiropractic physician described in subparagraph (a)2.
 234 dies, notwithstanding part X of chapter 400, the deceased
 235 chiropractic physician's surviving spouse may hold, operate,
 236 pledge, sell, mortgage, assign, transfer, own, or control the
 237 deceased chiropractic physician's ownership interests for 1 year
 238 after the chiropractic physician's death. The chiropractic
 239 practice must subsequently comply with this section and part X
 240 of chapter 400.

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

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

246 460.4167 Proprietorship by persons other than licensed
 247 chiropractic physicians.—

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

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