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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/09/2011	.	
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The Committee on Health Regulation (Jones) recommended the following:

Senate Amendment (with title amendment)

Delete lines 75 - 197
and insert:

Section 2. Subsection (1) of section 460.408, Florida Statutes, is amended to read:

460.408 Continuing chiropractic education.-

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

(a) Continuing education courses sponsored by chiropractic



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13 colleges whose graduates are eligible for examination under any
14 provision of this chapter may shall be approved upon review by
15 the board if all other requirements of board rules setting forth
16 criteria for course approval are met.

17 (b) The board shall approve those courses that build upon
18 the basic courses required for the practice of chiropractic
19 medicine, and the board may also approve courses in adjunctive
20 modalities. Courses that consist of instruction in the use,
21 application, prescription, recommendation, or administration of
22 a specific company's brand of products or services are not
23 eligible for approval.

24 Section 3. Paragraph (y) of subsection (1) of section
25 460.413, Florida Statutes, is amended to read:

26 460.413 Grounds for disciplinary action; action by board or
27 department.—

28 (1) The following acts constitute grounds for denial of a
29 license or disciplinary action, as specified in s. 456.072(2):

30 (y) Failing to preserve identity of funds and property of a
31 patient, the value of which is greater than \$501. As provided by
32 rule of the board, money or other property entrusted to a
33 chiropractic physician for a specific purpose, including
34 advances for costs and expenses of examination or treatment
35 which may not exceed the value of \$1,500, is to be held in trust
36 and must be applied only to that purpose. Money and other
37 property of patients coming into the hands of a chiropractic
38 physician are not subject to counterclaim or setoff for
39 chiropractic physician's fees, and a refusal to account for and
40 deliver over such money and property upon demand shall be deemed
41 a conversion. This is not to preclude the retention of money or



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42 other property upon which the chiropractic physician has a valid
43 lien for services or to preclude the payment of agreed fees from
44 the proceeds of transactions for examinations or treatments.
45 Controversies as to the amount of the fees are not grounds for
46 disciplinary proceedings unless the amount demanded is clearly
47 excessive or extortionate, or the demand is fraudulent. All
48 funds of patients paid to a chiropractic physician, other than
49 advances for costs and expenses, shall be deposited in one or
50 more identifiable bank accounts maintained in the state in which
51 the chiropractic physician's office is situated, and no funds
52 belonging to the chiropractic physician shall be deposited
53 therein except as follows:

54 1. Funds reasonably sufficient to pay bank charges may be
55 deposited therein.

56 2. Funds belonging in part to a patient and in part
57 presently or potentially to the physician must be deposited
58 therein, but the portion belonging to the physician may be
59 withdrawn when due unless the right of the physician to receive
60 it is disputed by the patient, in which event the disputed
61 portion shall not be withdrawn until the dispute is finally
62 resolved.

63

64 Every chiropractic physician shall maintain complete records of
65 all funds, securities, and other properties of a patient coming
66 into the possession of the physician and render appropriate
67 accounts to the patient regarding them. In addition, every
68 chiropractic physician shall promptly pay or deliver to the
69 patient, as requested by the patient, the funds, securities, or
70 other properties in the possession of the physician which the



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71 patient is entitled to receive.

72 Section 4. Subsections (2) and (5) of section 460.4165,
73 Florida Statutes, are amended to read:

74 460.4165 Certified chiropractic physician's assistants.—

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

85 (a) In the office of the chiropractic physician to whom the
86 certified chiropractic physician's assistant has been assigned,
87 in which office such physician maintains her or his primary
88 practice;

89 (b) Under indirect supervision if the indirect supervision
90 occurs at the supervising chiropractic physician's address of
91 record ~~or place of practice~~ required by s. 456.035, other than
92 at a clinic licensed under part X of chapter 400, of the
93 chiropractic physician to whom she or he is assigned as defined
94 by rule of the board;

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

97 (d) On calls outside of the office of the chiropractic
98 physician to whom she or he is assigned, on the direct order of
99 the chiropractic physician to whom she or he is assigned.



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

107 (a) In developing criteria for program approval, the board
108 shall give consideration to, and encourage, the use ~~utilization~~
109 of equivalency and proficiency testing and other mechanisms
110 whereby full credit is given to trainees for past education and
111 experience in health fields.

112 (b) The board shall create groups of specialty
113 classifications of training for certified chiropractic
114 physician's assistants. These classifications must ~~shall~~ reflect
115 the training and experience of the certified chiropractic
116 physician's assistant. The certified chiropractic physician's
117 assistant may receive training in one or more such
118 classifications, which shall be shown on the certificate issued.

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

127 Section 5. Subsections (2) and (3) of section 460.4166,
128 Florida Statutes, are amended, and subsections (4), (5), and (6)



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129 are added to that section, to read:

130 460.4166 Registered chiropractic assistants.—

131 (2) DUTIES.—Under the direct supervision and responsibility
132 of a licensed chiropractic physician or certified chiropractic
133 physician's assistant, a registered chiropractic assistant may:

134 (a) Perform clinical procedures, which include:

135 1. Preparing patients for the chiropractic physician's
136 care.

137 2. Taking vital signs.

138 3. Observing and reporting patients' signs or symptoms.

139 (b) Administer basic first aid.

140 (c) Assist with patient examinations or treatments other
141 than manipulations or adjustments.

142 (d) Operate therapeutic office equipment.

143 (e) Collect routine laboratory specimens as directed by the
144 chiropractic physician or certified chiropractic physician's
145 assistant.

146 (f) Administer nutritional supplements as directed by the
147 chiropractic physician or certified chiropractic physician's
148 assistant.

149 (g) Perform office procedures required by the chiropractic
150 physician or certified chiropractic physician's assistant under
151 direct supervision of the chiropractic physician or certified
152 chiropractic physician's assistant.

153 (3) REGISTRATION.—

154 (a) A registered chiropractic assistant shall register with
155 assistants may be registered by the board for a biennial fee not
156 to exceed \$25. Effective April 1, 2012, a person must register
157 with the board as a registered chiropractic assistant if the



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158 person performs any duties described in subsection (2) unless
159 the person is otherwise certified or licensed to perform those
160 duties.

161 (b) A person employed as a registered chiropractic
162 assistant shall submit to the board an initial application for
163 registration by March 31, 2012, or within 30 days after becoming
164 employed as a registered chiropractic assistant, whichever is
165 later, specifying the applicant's place of employment and the
166 names of all chiropractic physicians under whose supervision the
167 applicant performs the duties described in subsection (2). The
168 application for registration must be signed by a chiropractic
169 physician who is an owner of the place of employment specified
170 in the application. Upon the board's receipt of an application,
171 the effective date of the registration shall be April 1, 2012,
172 or shall apply retroactively to the applicant's date of
173 employment as a registered chiropractic assistant, whichever is
174 later, and the registered chiropractic assistant may be
175 supervised by any licensed chiropractic physician or certified
176 chiropractic physician's assistant who is employed by the
177 registered chiropractic assistant's employer or listed on the
178 registration application.

179 (c) A registered chiropractic assistant, within 30 days
180 after a change of employment, must notify the board of the new
181 place of employment and the names of all chiropractic physicians
182 under whose supervision the registered chiropractic assistant
183 performs duties described in subsection (2) at the new place of
184 employment. The notification must be signed by a chiropractic
185 physician who is an owner of the new place of employment. Upon
186 the board's receipt of the notification, the registered



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187 chiropractic assistant may be supervised by any licensed
188 chiropractic physician or certified chiropractic physician's
189 assistant who is employed by the registered chiropractic
190 assistant's new employer or listed on the notification.

191 (d) Within 30 days after a registered chiropractic
192 assistant is no longer employed at his or her place of
193 employment as registered with the board, the registered
194 chiropractic assistant's employer as registered with the board
195 shall notify the board that the registered chiropractic
196 assistant is no longer employed by that employer.

197 (e) An employee who performs none of the duties described
198 in subsection (2) is not eligible to register under this
199 section.

200 (4) REGISTERED CHIROPRACTIC ASSISTANT REGISTRATION
201 RENEWAL.—

202 (a) A registered chiropractic assistant's registration must
203 be renewed biennially. Each renewal must include:

204 1. A renewal fee as set by the board not to exceed \$25.

205 2. The registered chiropractic assistant's current place of
206 employment and the names of all chiropractic physicians under
207 whose supervision the applicant performs duties described in
208 subsection (2). The application for registration renewal must be
209 signed by a chiropractic physician who is an owner of the place
210 of employment specified in the application.

211 (b) Upon registration renewal, the registered chiropractic
212 assistant may be supervised by any licensed chiropractic
213 physician or certified chiropractic physician's assistant who is
214 employed by the registered chiropractic assistant's employer or
215 listed on the registration renewal.



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216 (5) APPLICATION AND NOTIFICATION FORMS.—The board shall
217 prescribe, by rule, forms for the applications and notifications
218 required under subsections (3) and (4).

219 (6) If a person employed as a registered chiropractic
220 assistant is employed by an entity not owned in whole or in part
221 by a licensed chiropractic physician under s. 460.4167, the
222 documents requiring signatures under this section must be signed
223 by a person with an ownership interest in the entity that
224 employs the registered chiropractic assistant and a licensed
225 chiropractic physician who supervises the registered
226 chiropractic assistant.

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228
229 ===== T I T L E A M E N D M E N T =====

230 And the title is amended as follows:

231 Delete lines 5 - 34

232 and insert:

233 amending s. 460.408, F.S.; authorizing the Board of
234 Chiropractic Medicine to approve continuing education
235 courses sponsored by chiropractic colleges under
236 certain circumstances; prohibiting the board from
237 approving the use of certain courses in continuing
238 chiropractic education; amending s. 460.4165, F.S.;

239 providing that services rendered by a certified
240 chiropractic physician's assistant under indirect
241 supervision may occur only at the supervising
242 chiropractic physician's address of record; deleting
243 the length of time specified for the basic program of
244 education and training for certified chiropractic



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245 physician's assistants; amending s. 460.4166, F.S.;

246 authorizing a registered chiropractic assistant to

247 operate therapeutic office equipment; requiring a

248 registered chiropractic assistant to register with the

249 board effective April 1, 2012, and pay a fee for

250 registration; requiring a registered chiropractic

251 assistant to submit an initial application by March

252 31, 2012, or within 30 days after becoming employed,

253 whichever is later; requiring an applicant to specify

254 place of employment and supervising chiropractic

255 physicians; requiring an application to be signed by a

256 chiropractic physician who is an owner of the

257 applicant's place of employment; providing an

258 effective date of a registered chiropractic

259 assistant's registration; authorizing who may

260 supervise a registered chiropractic assistant;

261 requiring a registered chiropractic assistant to

262 notify to the board of his or her change of

263 employment; requiring a chiropractic physician to sign

264 the registered chiropractic assistant's notification

265 of change in employment; requiring a registered

266 chiropractic assistant's employer to notify the board

267 when a registered chiropractic assistant is no longer

268 employed by that employer; providing eligibility

269 conditions for registering as a registered

270 chiropractic assistant; requiring the biennial renewal

271 of a registered chiropractic assistant's registration

272 and payment of a renewal fee; requiring the board to

273 adopt by rule forms for certain statutorily required



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applications and notifications; providing for the
signature of certain forms and notices by specified
owners and supervisors under certain conditions;
amending s.