

By Senator Jones

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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  
4       obtaining a chiropractic medicine faculty certificate;  
5       amending s. 460.408, F.S.; prohibiting the Board of  
6       Chiropractic Medicine from approving the use of  
7       certain courses in continuing chiropractic education;  
8       amending s. 460.4165, F.S.; providing that services  
9       rendered by a certified chiropractic physician's  
10      assistant under indirect supervision may occur only at  
11      the supervising chiropractic physician's address of  
12      record; deleting the length of time specified for the  
13      basic program of education and training for certified  
14      chiropractic physician's assistants; amending s.  
15      460.4166, F.S.; requiring a person to register as a  
16      chiropractic assistant if he or she renders  
17      therapeutic services or administers therapeutic agents  
18      related to a chiropractic physician's treatment of a  
19      patient; providing registration requirements for such  
20      persons; requiring a registered chiropractic assistant  
21      to notify the board of his or her change of  
22      employment; providing that a person who exclusively  
23      performs nontherapeutic services is not required to  
24      register as a chiropractic assistant; requiring the  
25      approval of certain supervising chiropractic  
26      physicians by the board; providing an effective date  
27      for the board's approval; requiring a fee for approval  
28      of a supervising chiropractic physician or group of  
29      chiropractic physicians; requiring the board to adopt

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30 by rule an application form for the initial  
31 registration of a registered chiropractic assistant, a  
32 form for the approval of a supervising chiropractic  
33 physician, and the notice of a change of employment  
34 for a registered chiropractic assistant; amending s.  
35 460.4167, F.S.; authorizing certain sole  
36 proprietorships, group practices, partnerships,  
37 corporations, limited liability companies, limited  
38 partnerships, professional associations, other  
39 entities, health care clinics licensed under part X of  
40 ch. 400, F.S., health maintenance organizations, or  
41 prepaid health clinics to employ a chiropractic  
42 physician or engage a chiropractic physician as an  
43 independent contractor to provide services authorized  
44 by ch. 460, F.S.; authorizing the spouse or adult  
45 children of a deceased chiropractic physician to hold,  
46 operate, pledge, sell, mortgage, assign, transfer,  
47 own, or control the deceased chiropractic physician's  
48 ownership interests under certain conditions;  
49 authorizing an employer that employs a chiropractic  
50 physician to exercise control over the patient records  
51 of the employed chiropractor, policies and decisions  
52 relating to pricing, credit, refunds, warranties, and  
53 advertising, and decisions relating to office  
54 personnel and hours of practice; deleting an obsolete  
55 provision; providing an effective date.

56  
57 Be It Enacted by the Legislature of the State of Florida:  
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59 Section 1. Paragraph (e) of subsection (1) of section  
60 460.4062, Florida Statutes, is amended to read:

61 460.4062 Chiropractic medicine faculty certificate.—

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

67 (e)1. Performs research or has been offered and has  
68 accepted a full-time or part-time faculty appointment to teach  
69 in a program of chiropractic medicine at a publicly funded state  
70 university or college or at a college of chiropractic located in  
71 the state and accredited by the Council on Chiropractic  
72 Education; and

73 2. Provides a certification from the dean of the appointing  
74 college acknowledging the appointment.

75 Section 2. Paragraph (b) of subsection (1) of section  
76 460.408, Florida Statutes, is amended to read:

77 460.408 Continuing chiropractic education.—

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

82 (b) The board shall approve those courses that build upon  
83 the basic courses required for the practice of chiropractic  
84 medicine, and the board may also approve courses in adjunctive  
85 modalities. Courses that consist of instruction in the use,  
86 application, prescription, recommendation, or administration of  
87 a specific company's brand of products or services are not

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88 eligible for approval.

89 Section 3. Subsections (2) and (5) of section 460.4165,  
90 Florida Statutes, are amended to read:

91 460.4165 Certified chiropractic physician's assistants.—

92 (2) PERFORMANCE BY CERTIFIED CHIROPRACTIC PHYSICIAN'S  
93 ASSISTANT.—Notwithstanding any other provision of law, a  
94 certified chiropractic physician's assistant may perform  
95 chiropractic services in the specialty area or areas for which  
96 the certified chiropractic physician's assistant is trained or  
97 experienced when such services are rendered under the  
98 supervision of a licensed chiropractic physician or group of  
99 chiropractic physicians certified by the board. Any certified  
100 chiropractic physician's assistant certified under this section  
101 to perform services may perform those services only:

102 (a) In the office of the chiropractic physician to whom the  
103 certified chiropractic physician's assistant has been assigned,  
104 in which office such physician maintains her or his primary  
105 practice;

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

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

114 (d) On calls outside of the office of the chiropractic  
115 physician to whom she or he is assigned, on the direct order of  
116 the chiropractic physician to whom she or he is assigned.

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117 (5) PROGRAM APPROVAL.—The department shall issue  
118 certificates of approval for programs for the education and  
119 training of certified chiropractic physician's assistants which  
120 meet board standards. Any basic program curriculum certified by  
121 the board shall ~~cover a period of 24 months. The curriculum must~~  
122 consist of a curriculum of at least 200 didactic classroom hours  
123 ~~during those 24 months.~~

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

129 (b) The board shall create groups of specialty  
130 classifications of training for certified chiropractic  
131 physician's assistants. These classifications must ~~shall~~ reflect  
132 the training and experience of the certified chiropractic  
133 physician's assistant. The certified chiropractic physician's  
134 assistant may receive training in one or more such  
135 classifications, which shall be shown on the certificate issued.

136 (c) The board shall adopt and publish standards to ensure  
137 that such programs operate in a manner which does not endanger  
138 the health and welfare of the patients who receive services  
139 within the scope of the program. The board shall review the  
140 quality of the curricula, faculties, and facilities of such  
141 programs; issue certificates of approval; and take whatever  
142 other action is necessary to determine that the purposes of this  
143 section are being met.

144 Section 4. Subsection (3) of section 460.4166, Florida  
145 Statutes, is amended, and subsections (4) and (5) are added to

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146 that section, to read:

147 460.4166 Registered chiropractic assistants.—

148 (3) REGISTRATION.—

149 (a) A registered chiropractic assistant ~~assistants~~ may  
150 register with ~~be registered by~~ the board for a biennial fee not  
151 to exceed \$25. Effective April 1, 2012, a person must register  
152 with the board as a chiropractic assistant if the person  
153 performs therapeutic services or administers therapeutic agents  
154 related to a chiropractic physician's treatment of a patient,  
155 unless the person is otherwise certified or licensed to perform  
156 those services or administer those agents.

157 (b) A person employed as a registered chiropractic  
158 assistant, if required to register under this section, must  
159 submit to the board an initial application for registration  
160 within 30 days after employment. Upon the board's approval of  
161 the application, the effective date of the registration shall  
162 apply retroactively to the date of employment.

163 (c) A registered chiropractic assistant, within 30 days  
164 after a change of employment, must notify the board of the new  
165 place of employment and the name of the chiropractic physician  
166 or group of chiropractic physicians under whose supervision the  
167 registered chiropractic assistant performs the duties described  
168 in subsection (2).

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

171 (4) APPROVAL OF SUPERVISING CHIROPRACTIC PHYSICIANS.—

172 (a) A chiropractic physician or group of chiropractic  
173 physicians under whose supervision a registered chiropractic  
174 assistant performs the duties described in subsection (2) must

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175 be approved by the board. If a registered chiropractic assistant  
176 performs those duties under the direct supervision of a  
177 certified chiropractic physician's assistant, the chiropractic  
178 physician or group of chiropractic physicians under whose  
179 supervision the certified chiropractic physician's assistant  
180 provides direct supervision for the registered chiropractic  
181 assistant must be approved by the board.

182 (b) If a registered chiropractic assistant changes  
183 employment, the supervising chiropractic physician or group of  
184 chiropractic physicians at the new place of employment must be  
185 approved by the board.

186 (c) Upon approval of a supervising chiropractic physician  
187 or group of chiropractic physicians, the effective date of the  
188 board's approval applies retroactively to the date of  
189 employment. The board shall assess a fee for approval of a  
190 supervising chiropractic physician or group of chiropractic  
191 physicians, which may not exceed \$75.

192 (5) APPLICATION FORMS.—The board shall prescribe by rule  
193 application forms for the initial registration of a registered  
194 chiropractic assistant, the board's approval of a supervising  
195 chiropractic physician or group of chiropractic physicians, and  
196 the registered chiropractic assistant's notice of a change of  
197 employment.

198 Section 5. Section 460.4167, Florida Statutes, is amended  
199 to read:

200 460.4167 Proprietorship by persons other than licensed  
201 chiropractic physicians.—

202 (1) ~~A No person other than a sole proprietorship, group~~  
203 ~~practice, partnership, or corporation that is wholly owned by~~

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204 ~~one or more chiropractic physicians licensed under this chapter~~  
205 ~~or by a chiropractic physician licensed under this chapter and~~  
206 ~~the spouse, parent, child, or sibling of that chiropractic~~  
207 ~~physician~~ may not employ a chiropractic physician licensed under  
208 this chapter or engage a chiropractic physician licensed under  
209 this chapter as an independent contractor to provide services  
210 authorized by this chapter to be offered by a chiropractic  
211 physician licensed under this chapter unless the person is any  
212 of the following, except for:

213 (a) A sole proprietorship, group practice, partnership,  
214 corporation, limited liability company, limited partnership, any  
215 person, professional association, or any other entity that is  
216 wholly owned by:

217 1. One or more chiropractic physicians licensed under this  
218 chapter;

219 2. A chiropractic physician licensed under this chapter and  
220 the spouse or surviving spouse, parent, child, or sibling of the  
221 chiropractic physician; or

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

225 (b) ~~(a)~~ A sole proprietorship, group practice, partnership,  
226 or corporation, limited liability company, limited partnership,  
227 professional association, or any other entity that is wholly  
228 owned by a physician or physicians licensed under this chapter,  
229 chapter 458, chapter 459, or chapter 461.

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



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233 (d)~~(e)~~ A clinical facility that is facilities affiliated  
234 with a college of chiropractic accredited by the Council on  
235 Chiropractic Education at which training is provided for  
236 chiropractic students.

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

238 (f)~~(e)~~ An entity wholly owned and operated by an  
239 organization that is exempt from federal taxation under s.  
240 501(c)(3) or (4) of the Internal Revenue Code, a ~~any~~ community  
241 college or university clinic, and any entity owned or operated  
242 by the Federal Government or by state government, including any  
243 agency, county, municipality, or other political subdivision  
244 thereof.

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

247 (h)~~(g)~~ A clinic licensed under part X of chapter 400 which  
248 ~~that~~ provides chiropractic services by a chiropractic physician  
249 licensed under chapter 460 and other health care services by  
250 physicians licensed under chapter 458 or, chapter 459, ~~or~~  
251 ~~chapter 460~~, the medical director of which is licensed under  
252 chapter 458 or chapter 459.

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

254 (j) A health maintenance organization or prepaid health  
255 clinic regulated under chapter 641.

256  
257 If a chiropractic physician described in subparagraph (a)2.  
258 dies, notwithstanding part X of chapter 400, the deceased  
259 chiropractic physician's surviving spouse or adult children may  
260 hold, operate, pledge, sell, mortgage, assign, transfer, own, or  
261 control the deceased chiropractic physician's ownership

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262 interests for so long as the surviving spouse or adult children  
263 remain the sole proprietor of the chiropractic practice.

264 (2) A ~~No~~ person other than a chiropractic physician  
265 licensed under this chapter may not ~~shall~~ direct, control, or  
266 interfere with a chiropractic physician's clinical judgment  
267 regarding the medical necessity of chiropractic treatment. For  
268 purposes of this subsection, a chiropractic physician's clinical  
269 judgment does not apply to chiropractic services contractually  
270 excluded, the application of alternative services that may be  
271 appropriate given the chiropractic physician's prescribed course  
272 of treatment, or determinations comparing contractual provisions  
273 and scope of coverage with a chiropractic physician's prescribed  
274 treatment on behalf of a covered person by an insurer, health  
275 maintenance organization, or prepaid limited health service  
276 organization.

277 (3) Any lease agreement, rental agreement, or other  
278 arrangement between a person other than a licensed chiropractic  
279 physician and a chiropractic physician whereby the person other  
280 than a licensed chiropractic physician provides the chiropractic  
281 physician with chiropractic equipment or chiropractic materials  
282 must ~~shall~~ contain a provision whereby the chiropractic  
283 physician expressly maintains complete care, custody, and  
284 control of the equipment or practice.

285 (4) The purpose of this section is to prevent a person  
286 other than the ~~a~~ licensed chiropractic physician from  
287 influencing or otherwise interfering with the exercise of the ~~a~~  
288 chiropractic physician's independent professional judgment. In  
289 addition to the acts specified in subsection (2) ~~(1)~~, a person  
290 or entity other than an employer or entity authorized in

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291 subsection (1) ~~a licensed chiropractic physician and any entity~~  
292 ~~other than a sole proprietorship, group practice, partnership,~~  
293 ~~or corporation that is wholly owned by one or more chiropractic~~  
294 ~~physicians licensed under this chapter or by a chiropractic~~  
295 ~~physician licensed under this chapter and the spouse, parent,~~  
296 ~~child, or sibling of that physician,~~ may not employ or engage a  
297 chiropractic physician licensed under this chapter. A person or  
298 entity may not ~~or~~ enter into a contract or arrangement with a  
299 chiropractic physician pursuant to which such ~~unlicensed~~ person  
300 or such entity exercises control over the following:

301 (a) The selection of a course of treatment for a patient,  
302 the procedures or materials to be used as part of such course of  
303 treatment, and the manner in which such course of treatment is  
304 carried out by the licensee;

305 (b) The patient records of a chiropractor;

306 (c) Policies and decisions relating to pricing, credit,  
307 refunds, warranties, and advertising; or

308 (d) Decisions relating to office personnel and hours of  
309 practice. However, an employer authorized to employ a  
310 chiropractic physician under subsection (1) may exercise control  
311 over the patient records of the employed chiropractor; policies  
312 and decisions relating to pricing, credit, refunds, warranties,  
313 and advertising; and decisions relating to office personnel and  
314 hours of practice.

315 (5) Any person who violates this section commits a felony  
316 of the third degree, punishable as provided in s. 775.082 ~~s.~~  
317 ~~775.081~~, s. 775.083, or s. 775.084 ~~s. 775.035~~.

318 (6) Any contract or arrangement entered into or undertaken  
319 in violation of this section is ~~shall be~~ void as contrary to

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320 public policy. ~~This section applies to contracts entered into or~~  
321 ~~renewed on or after July 1, 2008.~~

322 Section 6. This act shall take effect July 1, 2011.