

1 A bill to be entitled
2 An act relating to chiropractic medicine; amending s.
3 460.4062, F.S.; revising the requirements for obtaining a
4 chiropractic medicine faculty certificate; amending s.
5 460.408, F.S.; prohibiting the Board of Chiropractic
6 Medicine from approving the use of certain courses in
7 continuing chiropractic education; amending s. 460.4165,
8 F.S.; providing that services rendered by a certified
9 chiropractic physician's assistant under indirect
10 supervision may occur only at the supervising chiropractic
11 physician's address of record; deleting the length of time
12 specified for the basic program of education and training
13 for certified chiropractic physician's assistants;
14 amending s. 460.4166, F.S.; requiring a person to register
15 as a chiropractic assistant if he or she renders
16 therapeutic services or administers therapeutic agents
17 related to a chiropractic physician's treatment of a
18 patient; providing registration requirements for such
19 persons; requiring a registered chiropractic assistant to
20 notify the board of his or her change of employment;
21 providing that a person who exclusively performs
22 nontherapeutic services is not required to register as a
23 chiropractic assistant; requiring the approval of certain
24 supervising chiropractic physicians by the board;
25 providing an effective date for the board's approval;
26 requiring a fee for approval of a supervising chiropractic
27 physician or group of chiropractic physicians; requiring
28 the board to adopt by rule an application form for the

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

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54 Be It Enacted by the Legislature of the State of Florida:

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56 Section 1. Paragraph (e) of subsection (1) of section

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57 460.4062, Florida Statutes, is amended to read:

58 460.4062 Chiropractic medicine faculty certificate.—

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

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

70 2. Provides a certification from the dean of the
71 appointing college acknowledging the appointment.

72 Section 2. Paragraph (b) of subsection (1) of section
73 460.408, Florida Statutes, is amended to read:

74 460.408 Continuing chiropractic education.—

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

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

85 eligible for approval.

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

88 460.4165 Certified chiropractic physician's assistants.—

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

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

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

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

111 (d) On calls outside of the office of the chiropractic
112 physician to whom she or he is assigned, on the direct order of

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113 the chiropractic physician to whom she or he is assigned.

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

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

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

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

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

144 460.4166 Registered chiropractic assistants.—

145 (3) REGISTRATION.—

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

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

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

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

168 (4) APPROVAL OF SUPERVISING CHIROPRACTIC PHYSICIANS.—

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169 (a) A chiropractic physician or group of chiropractic
170 physicians under whose supervision a registered chiropractic
171 assistant performs the duties described in subsection (2) must
172 be approved by the board. If a registered chiropractic assistant
173 performs those duties under the direct supervision of a
174 certified chiropractic physician's assistant, the chiropractic
175 physician or group of chiropractic physicians under whose
176 supervision the certified chiropractic physician's assistant
177 provides direct supervision for the registered chiropractic
178 assistant must be approved by the board.

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

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

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

195 Section 5. Section 460.4167, Florida Statutes, is amended
196 to read:

197 460.4167 Proprietorship by persons other than licensed
 198 chiropractic physicians.—

199 (1) A ~~No person other than a sole proprietorship, group~~
 200 ~~practice, partnership, or corporation that is wholly owned by~~
 201 ~~one or more chiropractic physicians licensed under this chapter~~
 202 ~~or by a chiropractic physician licensed under this chapter and~~
 203 ~~the spouse, parent, child, or sibling of that chiropractic~~
 204 ~~physician~~ may not employ a chiropractic physician licensed under
 205 this chapter or engage a chiropractic physician licensed under
 206 this chapter as an independent contractor to provide services
 207 authorized by this chapter to be offered by a chiropractic
 208 physician licensed under this chapter unless the person is any
 209 of the following, except for:

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

214 1. One or more chiropractic physicians licensed under this
 215 chapter;

216 2. A chiropractic physician licensed under this chapter
 217 and the spouse or surviving spouse, parent, child, or sibling of
 218 the chiropractic physician; or

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

222 (b) ~~(a)~~ A sole proprietorship, group practice, partnership,
 223 or corporation, limited liability company, limited partnership,
 224 professional association, or any other entity that is wholly

225 owned by a physician or physicians licensed under this chapter,
 226 chapter 458, chapter 459, or chapter 461.

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

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

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

235 (f)~~(e)~~ An entity wholly owned and operated by an
 236 organization that is exempt from federal taxation under s.
 237 501(c)(3) or (4) of the Internal Revenue Code, a ~~any~~ community
 238 college or university clinic, and any entity owned or operated
 239 by the Federal Government or by state government, including any
 240 agency, county, municipality, or other political subdivision
 241 thereof.

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

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

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

251 (j) A health maintenance organization or prepaid health
 252 clinic regulated under chapter 641.

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254 If a chiropractic physician described in subparagraph (a)2.
255 dies, notwithstanding part X of chapter 400, the deceased
256 chiropractic physician's surviving spouse or adult children may
257 hold, operate, pledge, sell, mortgage, assign, transfer, own, or
258 control the deceased chiropractic physician's ownership
259 interests for so long as the surviving spouse or adult children
260 remain the sole proprietor of the chiropractic practice.

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

274 (3) Any lease agreement, rental agreement, or other
275 arrangement between a person other than a licensed chiropractic
276 physician and a chiropractic physician whereby the person other
277 than a licensed chiropractic physician provides the chiropractic
278 physician with chiropractic equipment or chiropractic materials
279 must ~~shall~~ contain a provision whereby the chiropractic
280 physician expressly maintains complete care, custody, and

281 control of the equipment or practice.

282 (4) The purpose of this section is to prevent a person
 283 other than the a licensed chiropractic physician from
 284 influencing or otherwise interfering with the exercise of the a
 285 chiropractic physician's independent professional judgment. In
 286 addition to the acts specified in subsection (2) ~~(1)~~, a person
 287 or entity other than an employer or entity authorized in
 288 subsection (1) ~~a licensed chiropractic physician and any entity~~
 289 ~~other than a sole proprietorship, group practice, partnership,~~
 290 ~~or corporation that is wholly owned by one or more chiropractic~~
 291 ~~physicians licensed under this chapter or by a chiropractic~~
 292 ~~physician licensed under this chapter and the spouse, parent,~~
 293 ~~child, or sibling of that physician,~~ may not employ or engage a
 294 chiropractic physician licensed under this chapter. A person or
 295 entity may not ~~or~~ enter into a contract or arrangement with a
 296 chiropractic physician pursuant to which such ~~unlicensed~~ person
 297 or such entity exercises control over the following:

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

302 (b) The patient records of a chiropractor;

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

305 (d) Decisions relating to office personnel and hours of
 306 practice. However, an employer authorized to employ a
 307 chiropractic physician under subsection (1) may exercise control
 308 over the patient records of the employed chiropractor; policies

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309 and decisions relating to pricing, credit, refunds, warranties,
310 and advertising; and decisions relating to office personnel and
311 hours of practice.

312 (5) Any person who violates this section commits a felony
313 of the third degree, punishable as provided in s. 775.082 ~~s.~~
314 ~~775.081~~, s. 775.083, or s. 775.084 ~~s. 775.035~~.

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

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