

By Senator Rouson

19-01544-19

20191242__

1 A bill to be entitled
2 An act relating to chiropractors; amending s. 460.402,
3 F.S.; revising an exemption from regulation under ch.
4 460, F.S., for certain chiropractic students; amending
5 s. 460.403, F.S.; conforming definitions to changes
6 made by the act; amending s. 460.406, F.S.; revising
7 application requirements for licensure by examination;
8 conforming cross-references to changes made by the
9 act; amending s. 460.4062, F.S.; revising requirements
10 for the issuance of a chiropractic medicine faculty
11 certificate without examination; conforming a
12 provision to changes made by the act; amending ss.
13 460.4061, 460.4165, 460.4167, and 400.9905, F.S.;
14 conforming provisions to changes made by the act;
15 providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Subsection (6) of section 460.402, Florida
20 Statutes, is amended to read:

21 460.402 Exceptions.—The provisions of this chapter shall
22 not apply to:

23 (6) A chiropractic student enrolled in a chiropractic
24 school, college, or program accredited by an accrediting agency
25 recognized by the United States Secretary of Education or a
26 course of study leading to a degree in chiropractic from an
27 institution of higher education located outside the United
28 States which is approved by the board as reasonably comparable
29 to that of similar accredited institutions in the United States

19-01544-19

20191242__

30 based on information that includes evaluations by third parties
 31 with experience in evaluating the comparability of educational
 32 programs ~~the Council on Chiropractic Education~~ and participating
 33 in either:

34 (a) A community-based internship under the direct
 35 supervision of a doctor of chiropractic medicine who is
 36 credentialed as an adjunct faculty member of a chiropractic
 37 college in which the student is enrolled; or

38 (b) A chiropractic college clinical internship under the
 39 direct supervision of a doctor of chiropractic medicine who is a
 40 full-time, part-time, or adjunct faculty member of a
 41 chiropractic college ~~located in this state and~~ accredited by an
 42 accrediting agency recognized by the United States Secretary of
 43 Education or an institution of higher education located outside
 44 the United States which is approved by the board as reasonably
 45 comparable to that of similar accredited institutions in the
 46 United States based on information that includes evaluations by
 47 third parties with experience in evaluating the comparability of
 48 educational programs ~~the Council on Chiropractic Education~~ and
 49 who holds a current, active Florida chiropractor's license.

50 Section 2. Subsection (4) and paragraph (a) of subsection
 51 (9) of section 460.403, Florida Statutes, are amended to read:

52 460.403 Definitions.—As used in this chapter, the term:

53 (4) (a) "Community-based internship" means a program in
 54 which a student enrolled in the last year of a chiropractic
 55 college accredited by an accrediting agency recognized by the
 56 United States Secretary of Education or a course of study
 57 leading to a degree in chiropractic from an institution of
 58 higher education located outside the United States which is

19-01544-19

20191242__

59 approved by the board as reasonably comparable to that of
60 similar accredited institutions in the United States based on
61 information that includes evaluations by third parties with
62 experience in evaluating the comparability of educational
63 programs ~~the Council on Chiropractic Education~~ is approved to
64 obtain required pregraduation clinical experience in a
65 chiropractic clinic or practice under the direct supervision of
66 a doctor of chiropractic medicine approved as an adjunct faculty
67 member of the chiropractic college in which the student is
68 enrolled, according to the teaching protocols for the clinical
69 practice requirements of the college.

70 (b) "Chiropractic college clinical internship" means a
71 program in which a student enrolled in a chiropractic college
72 ~~located in this state and~~ accredited by an accrediting agency
73 recognized by the United States Secretary of Education or a
74 course of study leading to a degree in chiropractic from an
75 institution of higher education located outside the United
76 States which is approved by the board as reasonably comparable
77 to that of similar accredited institutions in the United States
78 based on information that includes evaluations by third parties
79 with experience in evaluating the comparability of educational
80 programs ~~the Council on Chiropractic Education~~ obtains clinical
81 experience pursuant to the chiropractic college's curriculum in
82 a classroom or chiropractic clinic operated by the chiropractic
83 college, according to the teaching protocols for the clinical
84 practice requirements of the college.

85 (9) (a) "Practice of chiropractic medicine" means a
86 noncombative principle and practice consisting of the science,
87 philosophy, and art of the adjustment, manipulation, and

19-01544-19

20191242__

88 treatment of the human body in which vertebral subluxations and
89 other malpositioned articulations and structures that are
90 interfering with the normal generation, transmission, and
91 expression of nerve impulse between the brain, organs, and
92 tissue cells of the body, thereby causing disease, are adjusted,
93 manipulated, or treated, thus restoring the normal flow of nerve
94 impulse which produces normal function and consequent health by
95 chiropractic physicians using specific chiropractic adjustment
96 or manipulation techniques taught in chiropractic colleges
97 accredited by an accrediting agency recognized by the United
98 States Secretary of Education or a course of study leading to a
99 degree in chiropractic from an institution of higher education
100 located outside the United States which is approved by the board
101 as reasonably comparable to that of similar accredited
102 institutions in the United States based on information that
103 includes evaluations by third parties with experience in
104 evaluating the comparability of educational programs ~~the Council~~
105 ~~on Chiropractic Education~~. No person other than a licensed
106 chiropractic physician may render chiropractic services,
107 chiropractic adjustments, or chiropractic manipulations.

108 Section 3. Section 460.406, Florida Statutes, is amended to
109 read:

110 460.406 Licensure by examination.—

111 (1) Any person desiring to be licensed as a chiropractic
112 physician must apply to the department to take the licensure
113 examination. There shall be an application fee set by the board
114 not to exceed \$100 which shall be nonrefundable. There shall
115 also be an examination fee not to exceed \$500 plus the actual
116 per applicant cost to the department for purchase of portions of

19-01544-19

20191242__

117 the examination from the National Board of Chiropractic
118 Examiners or a similar national organization, which may be
119 refundable if the applicant is found ineligible to take the
120 examination. The department shall examine each applicant who the
121 board certifies has:

122 (a)1. Completed the application form and remitted the
123 appropriate fee.

124 2.~~(b)~~ Submitted proof satisfactory to the department that
125 he or she is not less than 18 years of age.

126 3.~~(c)~~ Submitted proof satisfactory to the department that
127 he or she is a graduate of a chiropractic college ~~which is~~
128 accredited by an accrediting agency recognized by the United
129 States Secretary of Education or a course of study leading to a
130 degree in chiropractic from an institution of higher education
131 located outside the United States which is approved by the board
132 as reasonably comparable to that of similar accredited
133 institutions in the United States based on information that
134 includes evaluations by third parties with experience in
135 evaluating the comparability of educational programs ~~or has~~
136 ~~status with the Council on Chiropractic Education or its~~
137 ~~predecessor agency.~~ However, any applicant who is a graduate of
138 a chiropractic college that was initially accredited by the
139 Council on Chiropractic Education in 1995, who graduated from
140 such college within the 4 years immediately preceding such
141 accreditation, and who is otherwise qualified shall be eligible
142 to take the examination. No application for a license to
143 practice chiropractic medicine shall be denied solely because
144 the applicant is a graduate of a chiropractic college that
145 subscribes to one philosophy of chiropractic medicine as

19-01544-19

20191242__

146 distinguished from another.

147 4.a.(d)1. For an applicant who has matriculated in a
148 chiropractic college before ~~prior to~~ July 2, 1990, completed at
149 least 2 years of residence college work, consisting of a minimum
150 of one-half the work acceptable for a bachelor's degree granted
151 on the basis of a 4-year period of study, in a college or
152 university accredited by an accrediting agency recognized and
153 approved by the United States Department of Education. However,
154 before ~~prior to~~ being certified by the board to sit for the
155 examination, each applicant who has matriculated in a
156 chiropractic college after July 1, 1990, shall have been granted
157 a bachelor's degree, based upon 4 academic years of study, by a
158 college or university accredited by a regional accrediting
159 agency which is a member of the Commission on Recognition of
160 Postsecondary Accreditation.

161 b.(I)2. Effective July 1, 2000, completed, before ~~prior to~~
162 matriculation in a chiropractic college, at least 3 years of
163 residence college work, consisting of a minimum of 90 semester
164 hours leading to a bachelor's degree in a liberal arts college
165 or university accredited by an accrediting agency recognized and
166 approved by the United States Department of Education. However,
167 before ~~prior to~~ being certified by the board to sit for the
168 examination, each applicant who has matriculated in a
169 chiropractic college after July 1, 2000, shall have been granted
170 a bachelor's degree from an institution holding accreditation
171 for that degree from a regional accrediting agency which is
172 recognized by the United States Department of Education. The
173 applicant's chiropractic degree must consist of credits earned
174 in the chiropractic program and may not include academic credit

19-01544-19

20191242__

175 for courses from the bachelor's degree; or

176 (II) Completed an educational program located outside of
177 the United States, if the board finds the educational program is
178 reasonably comparable to the requirement of this paragraph based
179 on information that includes evaluations by third parties with
180 experience in evaluating the comparability of educational
181 programs.

182 5.(e) Successfully completed the National Board of
183 Chiropractic Examiners certification examination in parts I, II,
184 III, and IV, and the physiotherapy examination of the National
185 Board of Chiropractic Examiners, with a score approved by the
186 board.

187 6.(f) Submitted to the department a set of fingerprints on
188 a form and under procedures specified by the department, along
189 with payment in an amount equal to the costs incurred by the
190 Department of Health for the criminal background check of the
191 applicant; or

192 (b) For an applicant who holds a valid license to practice
193 chiropractic in another state or territory of the United States,
194 demonstrated that he or she:

195 1. Has actively practiced chiropractic in another state or
196 territory of the United States for the preceding 10 years
197 without having his or her license acted against by the licensing
198 authority of any jurisdiction.

199 2. Meets the requirements of subparagraphs (a)1., 2., 3.,
200 4., and 6.

201
202 ~~The board may require an applicant who graduated from an~~
203 ~~institution accredited by the Council on Chiropractic Education~~

19-01544-19

20191242__

204 ~~more than 10 years before the date of application to the board~~
205 ~~to take the National Board of Chiropractic Examiners Special~~
206 ~~Purposes Examination for Chiropractic, or its equivalent, as~~
207 ~~determined by the board. The board shall establish by rule a~~
208 ~~passing score.~~

209 (2) For those applicants applying for the certification
210 examination who have matriculated prior to July 1, 1996, in a
211 chiropractic college, the board shall waive the provisions of
212 subparagraph (1) (a) 3. ~~paragraph (1) (e)~~ if the applicant is a
213 graduate of a chiropractic college which has been denied
214 accreditation or approval on the grounds that its curriculum
215 does not include the training in acupuncture necessary for the
216 completion of the certification examination or is a graduate of
217 a chiropractic college where acupuncture is not taught or
218 offered if the college is accredited by or has status with the
219 Council on Chiropractic Education or its predecessor.

220 (3) An applicant for the licensure examination may elect
221 not to take the certification examination to use acupuncture.
222 The department shall, in addition to the licensing exam, offer
223 an examination for certification to use acupuncture. An
224 applicant may elect to take the certification examination at the
225 time of taking the licensure examination. Passage of the
226 certification examination shall not grant any applicant the
227 right to practice chiropractic medicine absent the passage of
228 the licensing examination.

229 (4) The department shall submit written notification within
230 5 working days to applicants who have successfully completed the
231 requirements of subparagraphs (1) (a) 1.-5. ~~paragraphs (1) (a) - (e)~~
232 and who have successfully passed the state licensure

19-01544-19

20191242__

233 examination. An applicant who is notified in writing by the
234 department of the successful completion of requirements in
235 subparagraphs (1)(a)1.-5. ~~paragraphs (1)(a)-(e)~~ and who has
236 successfully passed the state licensure examination may lawfully
237 practice pending receipt of the certificate of licensure, and
238 the written notification shall act as evidence of licensure
239 entitling the chiropractic physician to practice for a maximum
240 period of 45 days or until the licensing fee is received by the
241 department whichever is sooner.

242 (5) A student in a school or college of chiropractic
243 accredited by an accrediting agency recognized by the United
244 States Secretary of Education or a course of study leading to a
245 degree in chiropractic from an institution of higher education
246 located outside the United States which is approved by the board
247 as reasonably comparable to that of similar accredited
248 institutions in the United States based on information that
249 includes evaluations by third parties with experience in
250 evaluating the comparability of educational programs ~~the Council~~
251 ~~on Chiropractic Education or its successor~~ in the final year of
252 the program may file an application pursuant to subsection (1),
253 take all examinations required for licensure, and submit a set
254 of fingerprints, ~~and pay all fees required for licensure.~~ A
255 chiropractic student who successfully completes the licensure
256 examinations and who otherwise meets all requirements for
257 licensure as a chiropractic physician during the student's final
258 year must have graduated before being certified for licensure
259 pursuant to this section.

260 Section 4. Subsection (1) of section 460.4062, Florida
261 Statutes, is amended to read:

19-01544-19

20191242__

262 460.4062 Chiropractic medicine faculty certificate.—

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

268 (a) Is a graduate of a ~~an accredited~~ school or college of
269 chiropractic accredited by an accrediting agency recognized by
270 the United States Secretary of Education or a course of study
271 leading to a degree in chiropractic from an institution of
272 higher education located outside the United States which is
273 approved by the board as reasonably comparable to that of
274 similar accredited institutions in the United States based on
275 information that includes evaluations by third parties with
276 experience in evaluating the comparability of educational
277 programs ~~the Council on Chiropractic Education.~~

278 (b) Holds a valid current license to practice chiropractic
279 medicine in another jurisdiction in the United States.

280 (c) Is at least 21 years of age and of good moral
281 character.

282 (d) Has not committed any act or offense in any
283 jurisdiction which would constitute the basis for discipline
284 under this chapter or chapter 456.

285 (e)1. Performs research or has been offered and has
286 accepted a full-time or part-time faculty appointment to teach
287 in a program of chiropractic medicine at a publicly funded state
288 university or college or at a college of chiropractic located in
289 the state and accredited by an accrediting agency recognized by
290 the United States Secretary of Education ~~the Council on~~

19-01544-19

20191242__

291 ~~Chiropractic Education; and~~

292 2. Provides a certification from the dean of the appointing
293 college acknowledging the appointment.

294 Section 5. Paragraph (a) of subsection (1) of section
295 460.4061, Florida Statutes, is amended to read:

296 460.4061 Restricted license.—

297 (1) An applicant for licensure as a chiropractic physician
298 may apply to the department for a restricted license without
299 undergoing a state or national written or clinical competency
300 examination for licensure if the applicant initially applies not
301 later than October 31, 1994, for the restricted license and:

302 (a) Holds a degree from a college of chiropractic
303 accredited by an accrediting agency recognized by the United
304 States Secretary of Education ~~the Council on Chiropractic~~
305 ~~Education or its predecessor agency~~ and holds a bachelor's
306 degree.

307 Section 6. Paragraph (b) of subsection (13) of section
308 460.4165, Florida Statutes, is amended to read:

309 460.4165 Certified chiropractic physician's assistants.—

310 (13) CERTIFIED CHIROPRACTIC ASSISTANT CERTIFICATION
311 RENEWAL.—The certification must be renewed biennially.

312 (b) Each certified chiropractic physician's assistant shall
313 biennially complete 24 hours of continuing education courses
314 approved by the board and sponsored by an accrediting agency
315 recognized by the United States Secretary of Education
316 ~~chiropractic colleges accredited by the Council on Chiropractic~~
317 ~~Education and approved by the board.~~ The board shall approve
318 those courses that build upon the basic courses required for the
319 practice of chiropractic medicine, and the board may also

19-01544-19

20191242__

320 approve courses in adjunctive modalities. The board may make
321 exception from the requirements of this section in emergency or
322 hardship cases. The board may adopt rules within the
323 requirements of this section which are necessary for its
324 implementation.

325 Section 7. Paragraph (d) of subsection (1) of section
326 460.4167, Florida Statutes, is amended to read:

327 460.4167 Proprietorship by persons other than licensed
328 chiropractic physicians.—

329 (1) A person may not employ a chiropractic physician
330 licensed under this chapter or engage a chiropractic physician
331 licensed under this chapter as an independent contractor to
332 provide services that chiropractic physicians are authorized to
333 offer under this chapter, unless the person is any of the
334 following:

335 (d) A clinical facility that is affiliated with a college
336 of chiropractic accredited by an accrediting agency recognized
337 by the United States Secretary of Education ~~the Council on~~
338 ~~Chiropractic Education~~ at which training is provided for
339 chiropractic students.

340 Section 8. Paragraph (j) of subsection (4) of section
341 400.9905, Florida Statutes, is amended to read:

342 400.9905 Definitions.—

343 (4) "Clinic" means an entity where health care services are
344 provided to individuals and which tenders charges for
345 reimbursement for such services, including a mobile clinic and a
346 portable equipment provider. As used in this part, the term does
347 not include and the licensure requirements of this part do not
348 apply to:

19-01544-19

20191242__

349 (j) Clinical facilities affiliated with a college of
350 chiropractic accredited by an accrediting agency recognized by
351 the United States Secretary of Education ~~the Council on~~
352 ~~Chiropractic Education~~ at which training is provided for
353 chiropractic students.

354

355 Notwithstanding this subsection, an entity shall be deemed a
356 clinic and must be licensed under this part in order to receive
357 reimbursement under the Florida Motor Vehicle No-Fault Law, ss.
358 627.730-627.7405, unless exempted under s. 627.736(5)(h).

359 Section 9. This act shall take effect upon becoming a law.