

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 873 Chiropractors  
**SPONSOR(S):** Health Quality Subcommittee, Santiago  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 1242

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health Quality Subcommittee	9 Y, 4 N, As CS	Gilani	McElroy
2) Health Care Appropriations Subcommittee			
3) Health & Human Services Committee			

### SUMMARY ANALYSIS

Chapter 460, F.S., is the practice act for chiropractic medicine that sets the minimum requirements for safe practice in the state. The Board of Chiropractic Medicine (Board), under the Department of Health (DOH) enforces the practice act, including licensure, monitoring, and ensuring safe practice of chiropractic professionals.

Currently, the Council on Chiropractic Education (CCE) is the only accrediting entity authorized to provide program accreditation for chiropractic education. The bill removes the CCE as the sole accrediting entity and instead allows any accrediting agency recognized by the U.S. Department of Education or the Council on Higher Education Accreditation, including the CCE, to accredit chiropractic colleges for licensure purposes.

The bill has no fiscal impact on state or local governments.

The bill is effective upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Background**

##### Regulation and Licensure of Chiropractic Physicians

Chapter 460, F.S., is the practice act for chiropractic medicine that sets the minimum requirements for safe practice in the state. The Board of Chiropractic Medicine (Board), under the Department of Health (DOH) enforces the practice act, including licensure, monitoring, and ensuring safe practice of chiropractic professionals.<sup>1</sup>

To obtain a chiropractic physician license by examination, one must:<sup>2</sup>

- Submit a complete application and pay an application fee;
- Be at least 18 years of age;
- Have graduated from a chiropractic college accredited by the Council on Chiropractic Education or its predecessor agency;
- Have completed at least 3 years of residence college work prior to graduation, consisting of a minimum of 90 semester hours leading up to a bachelor's degree from an accredited college or university;<sup>3</sup>
- Pass the National Board of Chiropractic Examiners certification exams I, II, III, and IV and physiotherapy exam;
- Pass the Florida Laws and Rules Exam;<sup>4</sup> and
- Submit to background screening for criminal history.

Students in an accredited chiropractic college may practice chiropractic medicine without a license as part of their clinical training or under the direct supervision of a chiropractic physician as part of their course of study. Students in their final year of education at an accredited college may also apply for licensure and take all of the requisite exams, but must graduate before receiving their license.

##### Accreditation for Chiropractic Colleges

Chiropractic education generally includes a four-year doctoral graduate school program which includes classroom instruction and clinical training.<sup>5</sup> Licensure laws generally require chiropractic education from an accredited chiropractic college. Accreditation is a process for validating an educational program which involves an external peer review board developing evaluation criteria and evaluating a program's curriculum, faculty, services and operations, clinical competency, and research to determine if the program meets recognized standards.<sup>6</sup>

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<sup>1</sup> FLORIDA DEPARTMENT OF HEALTH, *Board of Chiropractic Medicine*, <https://floridaschiropracticmedicine.gov/> (last visited Mar. 15, 2019).

<sup>2</sup> S. 460.406, F.S.

<sup>3</sup> For applicants who graduated from a chiropractic college before July 2, 1990, only 2 years of residence college work from an accredited college or university are required. However, anyone who graduated from a chiropractic college after July 1, 1990, must have been granted a bachelor's degree based on 4 academic years of study from an accredited college.

<sup>4</sup> S. 456.017(6), F.S.; Rule 64B2-11.001(2), F.A.C.

<sup>5</sup> U.S. DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, *Chiropractors*, <https://www.bls.gov/ooh/healthcare/chiropractors.htm#tab-4> (last visited Mar. 15, 2019).

<sup>6</sup> U.S. DEPARTMENT OF EDUCATION, *Overview of Accreditation in the United States*, <https://www2.ed.gov/adms/finaid/accred/accreditation.html#Overview> (last visited Mar. 15, 2019).

## *U.S. Department of Education*

The U.S. Department of Education (USDE) does not accredit individual higher educational programs, but instead recognizes accreditation agencies to evaluate the individual educational programs for purposes of participating in USDE's federal student aid programs.<sup>7</sup> Accreditation agencies are not required to apply for recognition with the USDE, but if an educational institution wants to participate in federal student aid programs and offer public financial aid to its students, it must be accredited by an agency which the USDE has recognized. Therefore, many accreditation agencies choose to apply for recognition with the USDE.<sup>8</sup> The USDE currently recognizes approximately 67 accreditation agencies.<sup>9</sup>

## *Council on Higher Education Accreditation*

The Council on Higher Education Accreditation (CHEA) is a nongovernmental organization that also evaluates and recognizes accrediting agencies to ensure the academic quality of institutions and programs for higher education in the United States.<sup>10</sup> There is significant overlap between accrediting agencies the USDE and CHEA recognize; however, the USDE limits its review to higher education related to federal student financial aid programs whereas the CHEA will consider accreditation of all higher education.<sup>11</sup> CHEA currently recognizes approximately 60 accrediting agencies for various higher education institutions and programs.<sup>12</sup>

## *Council on Chiropractic Education*

The Council on Chiropractic Education (CCE) is the only national organization recognized by the federal DOE or CHEA to accredit chiropractic education programs for its federal programs.<sup>13</sup> There are currently approximately 20 chiropractic colleges accredited by the CCE, three of which are in Florida.<sup>14</sup>

### **Effect of the Bill**

Currently, the CCE is the only accrediting entity named in statute to provide program accreditation for chiropractic education under ch. 460, F.S. This includes chiropractic education for licensure, restricted licenses, and chiropractic medical faculty certificates. Additionally, the continuing education courses required for renewing a certified chiropractic assistant certification must be approved by CCE-accredited chiropractic colleges.<sup>15</sup>

The bill removes the CCE as the sole accrediting entity and instead requires that accreditation must be from an accrediting agency recognized by the USDE or CHEA. CCE is currently the only accrediting agency for chiropractic education recognized by the USDE or CHEA.

The bill is effective upon becoming law.

### **B. SECTION DIRECTORY:**

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<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> U.S. DEPARTMENT OF EDUCATION, *Recognized Accrediting Agencies*, [https://www2.ed.gov/admins/finaid/accred/accreditation\\_pg5.html#NationallyRecognized](https://www2.ed.gov/admins/finaid/accred/accreditation_pg5.html#NationallyRecognized) (last visited Mar. 19, 2019).

<sup>10</sup> COUNCIL FOR HIGHER EDUCATION ACCREDITATION, *Accreditation & Recognition in the United States*, <https://www.chea.org/accreditation-recognition-united-states>

<sup>11</sup> Id.

<sup>12</sup> COUNCIL FOR HIGHER EDUCATION ACCREDITATION, *CHEA- and USDE-Recognized Accrediting Organizations*, (Apr. 18, 2018), <https://www.chea.org/chea-and-usde-recognized-accrediting-organizations> (last visited Mar. 19, 2019).

<sup>13</sup> *Supra* notes 9 and 12.

<sup>14</sup> U.S. DEPARTMENT OF EDUCATION, *Database of Accredited Postsecondary Institutions and Programs*, <https://ope.ed.gov/dapip/#/search-results> (last visited Mar. 15, 2019); COUNCIL ON CHIROPRACTIC EDUCATION, *Accredited Doctor of Chiropractic Programs/Institutions*, <http://www.cce-usa.org/dcp-info.html> (last visited Mar. 15, 2019); The 3 FL accredited institutions are the National University of Health Sciences, Palmer College of Chiropractic, and Keiser University.

<sup>15</sup> S. 460.4165(13)(b), F.S.

- Section 1:** Amends s. 460.402, F.S., relating to exceptions.  
**Section 2:** Amends s. 460.403, F.S., relating to definitions.  
**Section 3:** Amends s. 460.406, F.S., relating to licensure by examination.  
**Section 4:** Amends s. 460.4062, F.S., relating to chiropractic medicine faculty certificate.  
**Section 5:** Amends s. 460.4061, F.S., relating to restricted license.  
**Section 6:** Amends s. 460.4165, F.S., relating to certified chiropractic physician's assistants.  
**Section 7:** Amends s. 460.4167, F.S., relating to proprietorship by persons other than chiropractic physicians.  
**Section 8:** Amends s. 400.9905, F.S., relating to definitions.  
**Section 9:** Provides the bill shall take effect upon becoming law.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

DOH has sufficient rulemaking authority in current law to implement the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On March 19, 2019, the Health Quality Subcommittee adopted a strike-all amendment that:

- Removes the Council on Chiropractic Education from being the sole accrediting agency for chiropractic education programs for licensure purposes; and
- Allows any agency approved by the United States Department of Education or the Council for Higher Education Accreditation to accredit chiropractic education programs for licensure purposes.

The bill was reported favorably as a committee substitute. The analysis is drafted to the committee substitute as passed by the Health Quality Subcommittee.