

By Senator Harrell

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1 A bill to be entitled
 2 An act relating to the practice of chiropractic;
 3 amending s. 460.402, F.S.; revising applicability of
 4 provisions relating to chiropractic with regard to
 5 certain chiropractic students; amending s. 460.403,
 6 F.S.; revising definitions; amending s. 460.406, F.S.;
 7 revising the educational requirements that must be
 8 satisfied by applicants before examination by the
 9 Department of Health; removing the authority of the
 10 board to require certain applicants to take a certain
 11 examination; requiring the department to issue a
 12 license by endorsement to practice chiropractic to
 13 applicants who meet certain requirements; amending s.
 14 460.4062, F.S.; revising the educational requirements
 15 that must be satisfied by applicants before the
 16 department may issue a chiropractic medicine faculty
 17 certificate; amending s. 460.4165, F.S.; revising
 18 continuing education requirements for chiropractic
 19 physician's assistants; amending s. 460.4167, F.S.;
 20 revising provisions relating to the employment by
 21 certain clinical facilities of independent contractors
 22 who provide specified chiropractic services; providing
 23 an effective date.

24
 25 Be It Enacted by the Legislature of the State of Florida:

26
 27 Section 1. Section 460.402, Florida Statutes, is amended to
 28 read:
 29 460.402 Exceptions.—This chapter does ~~The provisions of~~

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30 ~~this chapter shall~~ not apply to:

31 (1) Other duly licensed health care practitioners acting
32 within their authorized scope of practice.

33 (2) Any person furnishing medical assistance in case of an
34 emergency.

35 (3) The domestic administration of recognized family
36 remedies.

37 (4) The practice of the religious tenets of any church.

38 (5) Any massage therapist acting within her or his scope of
39 practice authorized in chapter 480.

40 (6) A chiropractic student who is enrolled in a
41 chiropractic school, college, or program accredited by an
42 accrediting agency recognized by the United States Secretary of
43 Education or in an educational program leading to a degree in
44 chiropractic from an institution located outside the United
45 States which is approved by the board or authorized to operate
46 by the government having jurisdiction over the program
47 ~~chiropractic college accredited by the Council on Chiropractic~~
48 ~~Education~~ and the student is participating in either of the
49 following:

50 (a) A community-based internship under the direct
51 supervision of a doctor of chiropractic medicine who is
52 credentialed as an adjunct faculty member of a chiropractic
53 college in which the student is enrolled. ~~;~~ ~~or~~

54 (b) A chiropractic college clinical internship under the
55 direct supervision of a doctor of chiropractic medicine who is a
56 full-time, part-time, or adjunct faculty member of a
57 chiropractic college located in this state which is accredited
58 by an accrediting agency recognized by the United States

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59 Secretary of Education or of an institution located outside the
 60 United States which is approved by the board or authorized to
 61 operate by the government having jurisdiction over the program
 62 ~~and accredited by the Council on Chiropractic Education and the~~
 63 doctor of chiropractic medicine ~~who~~ holds a current, active
 64 Florida chiropractor's license.

65 (7) A chiropractic physician who holds an active license in
 66 another state, the District of Columbia, or a possession or
 67 territory of the United States and is performing chiropractic
 68 procedures or demonstrating equipment or supplies for
 69 educational purposes at a board-approved continuing education
 70 program.

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

73 460.403 Definitions.—As used in this chapter, the term:

74 (4) (a) "Community-based internship" means a program in
 75 which a student enrolled in the last year of either a
 76 chiropractic college accredited by an accrediting agency
 77 recognized by the United States Secretary of Education or an
 78 educational program leading to a degree in chiropractic from an
 79 institution located outside the United States which is approved
 80 by the board or authorized to operate by the government having
 81 jurisdiction over the program ~~accredited by the Council on~~
 82 ~~Chiropractic Education~~ is approved to obtain required
 83 pregraduation clinical experience in a chiropractic clinic or to
 84 practice under the direct supervision of a doctor of
 85 chiropractic medicine who is approved as an adjunct faculty
 86 member of the chiropractic college in which the student is
 87 enrolled, in accordance with ~~according to~~ the teaching protocols

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88 for the clinical practice requirements of the college.

89 (b) "Chiropractic college clinical internship" means a
90 program in which a student enrolled in either a chiropractic
91 college accredited by an accrediting agency recognized by the
92 United States Secretary of Education or an educational program
93 leading to a degree in chiropractic from an institution located
94 outside the United States which is approved by the board or
95 authorized to operate by the government having jurisdiction over
96 the program located in this state and accredited by the Council
97 on Chiropractic Education obtains clinical experience pursuant
98 to the chiropractic college's curriculum in a classroom or
99 chiropractic clinic operated by the chiropractic college, in
100 accordance with ~~according to~~ the teaching protocols for the
101 clinical practice requirements of the college.

102 (9) (a) "Practice of chiropractic medicine" means a
103 noncombative principle and practice consisting of the science,
104 philosophy, and art of the adjustment, manipulation, and
105 treatment of the human body in which vertebral subluxations and
106 other malpositioned articulations and structures that are
107 interfering with the normal generation, transmission, and
108 expression of nerve impulse between the brain, organs, and
109 tissue cells of the body, thereby causing disease, are adjusted,
110 manipulated, or treated, thus restoring the normal flow of nerve
111 impulse which produces normal function and consequent health by
112 chiropractic physicians using specific chiropractic adjustment
113 or manipulation techniques taught in a chiropractic college
114 accredited by an accrediting agency recognized by the United
115 States Secretary of Education or in an educational program
116 leading to a degree in chiropractic from an institution located

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117 outside the United States which is approved by the board or
118 authorized to operate by the government having jurisdiction over
119 the program colleges accredited by the Council on Chiropractic
120 Education. No person other than a licensed chiropractic
121 physician may render chiropractic services, chiropractic
122 adjustments, or chiropractic manipulations.

123 Section 3. Section 460.406, Florida Statutes, is amended to
124 read:

125 460.406 Licensure by examination; licensure by
126 endorsement.—

127 (1) Any person desiring to be licensed as a chiropractic
128 physician must apply to the department to take the licensure
129 examination. There shall be an application fee set by the board
130 not to exceed \$100 which shall be nonrefundable. There shall
131 also be an examination fee not to exceed \$500 plus the actual
132 per applicant cost to the department for purchase of portions of
133 the examination from the National Board of Chiropractic
134 Examiners or a similar national organization, which may be
135 refundable if the applicant is found ineligible to take the
136 examination. The department shall examine each applicant who the
137 board certifies has:

138 (a) Completed the application form and remitted the
139 appropriate fee.

140 (b) Submitted proof satisfactory to the department that he
141 or she is not less than 18 years of age.

142 (c) Submitted proof satisfactory to the department that he
143 or she is a graduate of a chiropractic college accredited by an
144 accrediting agency recognized by the United States Secretary of
145 Education or of an educational program leading to a degree in

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146 chiropractic from an institution located outside the United
147 States which is approved by the board or authorized to operate
148 by the government having jurisdiction over the program ~~which is~~
149 ~~accredited by or has status with the Council on Chiropractic~~
150 ~~Education or its predecessor agency.~~ However, any applicant who
151 is a graduate of a chiropractic college that was initially
152 accredited by the Council on Chiropractic Education in 1995, who
153 graduated from such college within the 4 years immediately
154 preceding such accreditation, and who is otherwise qualified is
155 ~~shall be~~ eligible to take the examination. An ~~No~~ application for
156 a license to practice chiropractic medicine may not ~~shall~~ be
157 denied solely because the applicant is a graduate of a
158 chiropractic college that subscribes to one philosophy of
159 chiropractic medicine as distinguished from another.

160 ~~(d)1. For an applicant who has matriculated in a~~
161 ~~chiropractic college prior to July 2, 1990, completed at least 2~~
162 ~~years of residence college work, consisting of a minimum of one-~~
163 ~~half the work acceptable for a bachelor's degree granted on the~~
164 ~~basis of a 4-year period of study, in a college or university~~
165 ~~accredited by an accrediting agency recognized and approved by~~
166 ~~the United States Department of Education. However, prior to~~
167 ~~being certified by the board to sit for the examination, each~~
168 ~~applicant who has matriculated in a chiropractic college after~~
169 ~~July 1, 1990, shall have been granted a bachelor's degree, based~~
170 ~~upon 4 academic years of study, by a college or university~~
171 ~~accredited by a regional accrediting agency which is a member of~~
172 ~~the Commission on Recognition of Postsecondary Accreditation.~~

173 ~~2. Effective July 1, 2000, completed, prior to~~
174 ~~matriculation in a chiropractic college, at least 3 years of~~

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175 ~~residence college work, consisting of a minimum of 90 semester~~
176 ~~hours leading to a bachelor's degree in a liberal arts college~~
177 ~~or university accredited by an accrediting agency recognized and~~
178 ~~approved by the United States Department of Education. However,~~
179 ~~prior to being certified by the board to sit for the~~
180 ~~examination, each applicant who has matriculated in a~~
181 ~~chiropractic college after July 1, 2000, shall have been granted~~
182 ~~a bachelor's degree from an institution holding accreditation~~
183 ~~for that degree from a regional accrediting agency which is~~
184 ~~recognized by the United States Department of Education. The~~
185 ~~applicant's chiropractic degree must consist of credits earned~~
186 ~~in the chiropractic program and may not include academic credit~~
187 ~~for courses from the bachelor's degree.~~

188 (d)~~(e)~~ Successfully completed the National Board of
189 Chiropractic Examiners certification examination in parts I, II,
190 III, and IV, and the physiotherapy examination of the National
191 Board of Chiropractic Examiners, with a score approved by the
192 board.

193 (e)~~(f)~~ Submitted to the department a set of fingerprints on
194 a form and under procedures specified by the department, along
195 with payment in an amount equal to the costs incurred by the
196 department ~~of Health~~ for the criminal background check of the
197 applicant.

198
199 ~~The board may require an applicant who graduated from an~~
200 ~~institution accredited by the Council on Chiropractic Education~~
201 ~~more than 10 years before the date of application to the board~~
202 ~~to take the National Board of Chiropractic Examiners Special~~
203 ~~Purposes Examination for Chiropractic, or its equivalent, as~~

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204 ~~determined by the board. The board shall establish by rule a~~
205 ~~passing score.~~

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

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

226 (4) The department shall submit written notification within
227 5 working days to applicants who have successfully completed the
228 requirements of paragraphs (1) (a) - (d) ~~(1) (a) - (e)~~ and who have
229 successfully passed the state licensure examination. An
230 applicant who is notified in writing by the department of the
231 successful completion of requirements in paragraphs (1) (a) - (d)
232 ~~(1) (a) - (e)~~ and who has successfully passed the state licensure

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233 examination may lawfully practice pending receipt of the
234 certificate of licensure, and the written notification shall act
235 as evidence of licensure entitling the chiropractic physician to
236 practice for a maximum period of 45 days or until the licensing
237 fee is received by the department whichever is sooner.

238 (5) A student in a school or college of chiropractic
239 accredited by an accrediting agency recognized by the United
240 States Secretary of Education or in an educational program
241 leading to a degree in chiropractic from an institution located
242 outside the United States which is approved by the board or
243 authorized to operate by the government having jurisdiction over
244 the program ~~by the Council on Chiropractic Education or its~~
245 ~~successor~~ in the final year of the program may file an
246 application pursuant to subsection (1), take all examinations
247 required for licensure, submit a set of fingerprints, and pay
248 all fees required for licensure. A chiropractic student who
249 successfully completes the licensure examinations and who
250 otherwise meets all requirements for licensure as a chiropractic
251 physician during the student's final year must have graduated
252 before he or she may be ~~being~~ certified for licensure pursuant
253 to this section.

254 (6) The department shall issue a license by endorsement to
255 practice chiropractic to an applicant who submits an application
256 to the department, pays the application fee described in
257 subsection (1), and provides proof that he or she has satisfied
258 all of the following requirements:

259 (a) Holds a valid license to practice chiropractic in
260 another state or territory of the United States.

261 (b) Has actively practiced chiropractic in another state or

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262 territory of the United States for the preceding 10 years
263 without having his or her license acted against by the licensing
264 authority of any jurisdiction.

265 (c) Meets the requirements in paragraphs (1)(a), (b), (c),
266 and (e).

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

269 460.4062 Chiropractic medicine faculty certificate.—

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

275 (a) Is a graduate of a ~~an accredited~~ school or college of
276 chiropractic accredited by an accrediting agency recognized by
277 the United States Secretary of Education or of an educational
278 program leading to a degree in chiropractic from an institution
279 located outside the United States which is approved by the board
280 or authorized to operate by the government having jurisdiction
281 over the school or college ~~the Council on Chiropractic~~
282 ~~Education.~~

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

285 (c) Is at least 21 years of age and of good moral
286 character.

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

290 (e)1. Performs research or has been offered and has

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291 accepted a full-time or part-time faculty appointment to teach
 292 in a program of chiropractic medicine at a publicly funded state
 293 university or college or at a college of chiropractic located in
 294 the state and accredited by an accrediting agency recognized by
 295 the United States Secretary of Education ~~the Council on~~
 296 ~~Chiropractic Education~~; and

297 2. Provides a certification from the dean of the appointing
 298 college acknowledging the appointment.

299 Section 5. Paragraph (b) of subsection (13) of section
 300 460.4165, Florida Statutes, is amended to read:

301 460.4165 Certified chiropractic physician's assistants.—

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

304 (b) Each certified chiropractic physician's assistant shall
 305 biennially complete 24 hours of continuing education courses
 306 approved by the board and sponsored by an accrediting agency
 307 recognized by the United States Secretary of Education
 308 ~~chiropractic colleges accredited by the Council on Chiropractic~~
 309 ~~Education and approved by the board.~~ The board shall approve
 310 those courses that build upon the basic courses required for the
 311 practice of chiropractic medicine, and the board may also
 312 approve courses in adjunctive modalities. The board may exempt a
 313 chiropractic physician's assistant ~~make exception~~ from the
 314 requirements of this section in the case of an emergency or
 315 ~~hardship cases.~~ The board may adopt rules within the
 316 requirements of this section which are necessary for its
 317 implementation.

318 Section 6. Subsection (1) of section 460.4167, Florida
 319 Statutes, is amended to read:

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320 460.4167 Proprietorship by persons other than licensed
321 chiropractic physicians.—

322 (1) A person may not employ a chiropractic physician
323 licensed under this chapter or engage a chiropractic physician
324 licensed under this chapter as an independent contractor to
325 provide services that chiropractic physicians are authorized to
326 offer under this chapter, unless the person is any of the
327 following:

328 (a) A sole proprietorship, group practice, partnership,
329 corporation, limited liability company, limited partnership,
330 professional association, or any other entity that is wholly
331 owned by:

332 1. One or more chiropractic physicians licensed under this
333 chapter;

334 2. A chiropractic physician licensed under this chapter and
335 the spouse or surviving spouse, parent, child, or sibling of the
336 chiropractic physician; or

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

340
341 If the chiropractic physician described in subparagraph 2. dies,
342 notwithstanding part X of chapter 400, the surviving spouse or
343 adult children may hold, operate, pledge, sell, mortgage,
344 assign, transfer, own, or control the chiropractic physician's
345 ownership interests for so long as the surviving spouse or adult
346 children remain the sole proprietors of the chiropractic
347 practice.

348 (b) A sole proprietorship, group practice, partnership,

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349 corporation, limited liability company, limited partnership,
350 professional association, or any other entity that is wholly
351 owned by a physician or physicians licensed under this chapter,
352 chapter 458, chapter 459, or chapter 461.

353 (c) An entity that is wholly owned, directly or indirectly,
354 by an entity licensed or registered by the state under chapter
355 395.

356 (d) A clinical facility that is affiliated with a college
357 of chiropractic accredited by an accrediting agency recognized
358 by the United States Secretary of Education ~~by the Council on~~
359 ~~Chiropractic Education~~ at which training is provided for
360 chiropractic students.

361 (e) A public or private university or college.

362 (f) An entity wholly owned and operated by an organization
363 that is exempt from federal taxation under s. 501(c)(3) or (4)
364 of the Internal Revenue Code, a community college or university
365 clinic, or an entity owned or operated by the Federal Government
366 or by state government, including any agency, county,
367 municipality, or other political subdivision thereof.

368 (g) An entity owned by a corporation whose ~~the~~ stock ~~of~~
369 ~~which~~ is publicly traded.

370 (h) A clinic licensed under part X of chapter 400 which
371 provides chiropractic services by a chiropractic physician
372 licensed under this chapter and other health care services by
373 physicians licensed under chapter 458 or chapter 459, the
374 medical director of which is licensed under chapter 458 or
375 chapter 459.

376 (i) A state-licensed insurer.

377 (j) A health maintenance organization or prepaid health

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378 clinic regulated under chapter 641.

379 Section 7. This act shall take effect upon becoming a law.