

By Senator Garcia

36-00872-23

2023378\_\_

1                   A bill to be entitled  
2       An act relating to the practice of chiropractic  
3       medicine; amending s. 400.9905, F.S.; revising the  
4       definition of the term "clinic" as it relates to the  
5       regulation of health care clinics; amending s.  
6       460.402, F.S.; revising applicability of ch. 460,  
7       F.S.; amending s. 460.403, F.S.; revising definitions;  
8       amending s. 460.406, F.S.; revising licensure  
9       requirements for chiropractic physicians; amending s.  
10      460.4061, F.S.; revising requirements for restricted  
11      licenses for chiropractic physicians; amending s.  
12      460.4062, F.S.; revising requirements for chiropractic  
13      medicine faculty certificates; amending s. 460.4165,  
14      F.S.; revising certification requirements for  
15      certified chiropractic assistants; amending s.  
16      460.4167, F.S.; revising criteria for clinical  
17      facilities that may employ or engage chiropractic  
18      physicians to provide chiropractic services; providing  
19      an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23       Section 1. Paragraph (j) of subsection (4) of section  
24      400.9905, Florida Statutes, is amended to read:

25       400.9905 Definitions.—

26       (4) "Clinic" means an entity where health care services are  
27      provided to individuals and which tenders charges for  
28      reimbursement for such services, including a mobile clinic and a  
29      portable equipment provider. As used in this part, the term does

36-00872-23

2023378\_\_

30 not include and the licensure requirements of this part do not  
31 apply to:

32 (j) Clinical facilities affiliated with a college of  
33 chiropractic accredited by an accrediting agency recognized by  
34 the United States Department of Education ~~the Council on~~  
35 ~~Chiropractic Education~~ at which training is provided for  
36 chiropractic students.

37

38 Notwithstanding this subsection, an entity shall be deemed a  
39 clinic and must be licensed under this part in order to receive  
40 reimbursement under the Florida Motor Vehicle No-Fault Law, ss.  
41 627.730-627.7405, unless exempted under s. 627.736(5)(h).

42 Section 2. Subsection (6) of section 460.402, Florida  
43 Statutes, is amended to read:

44 460.402 Exceptions.—The provisions of this chapter shall  
45 not apply to:

46 (6) A chiropractic student enrolled in a chiropractic  
47 college accredited by an accrediting agency recognized by the  
48 United States Department of Education ~~the Council on~~  
49 ~~Chiropractic Education~~ and participating in either:

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 and accredited by an  
58 accrediting agency recognized by the United States Department of

36-00872-23

2023378\_\_

59 Education ~~the Council on Chiropractic Education~~ and who holds a  
60 current, active Florida chiropractor's license.

61 Section 3. Subsection (4) and paragraph (a) of subsection  
62 (9) of section 460.403, Florida Statutes, are amended to read:

63 460.403 Definitions.—As used in this chapter, the term:

64 (4) (a) "Community-based internship" means a program in  
65 which a student enrolled in his or her ~~the~~ last year of a  
66 chiropractic college accredited by an accrediting agency  
67 recognized by the United States Department of Education ~~the~~  
68 ~~Council on Chiropractic Education~~ is approved to obtain required  
69 pregraduation clinical experience in a chiropractic clinic or  
70 practice under the direct supervision of a doctor of  
71 chiropractic medicine approved as an adjunct faculty member of  
72 the chiropractic college in which the student is enrolled,  
73 according to the teaching protocols for the clinical practice  
74 requirements of the college.

75 (b) "Chiropractic college clinical internship" means a  
76 program in which a student enrolled in a chiropractic college  
77 that is located in this state and accredited by an accrediting  
78 agency recognized by the United States Department of Education  
79 ~~the Council on Chiropractic Education~~ obtains clinical  
80 experience pursuant to the chiropractic college's curriculum in  
81 a classroom or chiropractic clinic operated by the chiropractic  
82 college, according to the teaching protocols for the clinical  
83 practice requirements of the college.

84 (9) (a) "Practice of chiropractic medicine" means a  
85 noncombative principle and practice consisting of the science,  
86 philosophy, and art of the adjustment, manipulation, and  
87 treatment of the human body in which vertebral subluxations and

36-00872-23

2023378\_\_

88 other malpositioned articulations and structures that are  
89 interfering with the normal generation, transmission, and  
90 expression of nerve impulse between the brain, organs, and  
91 tissue cells of the body, thereby causing disease, are adjusted,  
92 manipulated, or treated, thus restoring the normal flow of nerve  
93 impulse which produces normal function and consequent health by  
94 chiropractic physicians using specific chiropractic adjustment  
95 or manipulation techniques taught in chiropractic colleges  
96 accredited by an accrediting agency recognized by the United  
97 States Department of Education ~~the Council on Chiropractic~~  
98 ~~Education~~. No person other than a licensed chiropractic  
99 physician may render chiropractic services, chiropractic  
100 adjustments, or chiropractic manipulations.

101 Section 4. Subsections (1), (2), and (5) of section  
102 460.406, Florida Statutes, are amended to read:

103 460.406 Licensure by examination.—

104 (1) Any person desiring to be licensed as a chiropractic  
105 physician must apply to the department to take the licensure  
106 examination. There is ~~shall be~~ an application fee set by the  
107 board not to exceed \$100 which is ~~shall be~~ nonrefundable. There  
108 is ~~shall~~ also ~~be~~ an examination fee not to exceed \$500 plus the  
109 actual per applicant cost to the department for purchase of  
110 portions of the examination from the National Board of  
111 Chiropractic Examiners or a similar national organization, which  
112 may be refundable if the applicant is found ineligible to take  
113 the examination. The department shall examine each applicant  
114 whom the board certifies has met all of the following criteria:

115 (a) Completed the application form and remitted the  
116 appropriate fee.

36-00872-23

2023378\_\_

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

119 (c) Submitted proof satisfactory to the department that he  
120 or she is a graduate of a chiropractic college which is  
121 accredited by or has status with an accrediting agency  
122 recognized by the United States Department of Education ~~the~~  
123 ~~Council on Chiropractic Education~~ or its predecessor agency.  
124 However, any applicant who is a graduate of a chiropractic  
125 college that was initially accredited by the Council on  
126 Chiropractic Education in 1995, who graduated from such college  
127 within the 4 years immediately preceding such accreditation, and  
128 who is otherwise qualified is eligible to take the examination.  
129 An application for a license to practice chiropractic medicine  
130 may not be denied solely because the applicant is a graduate of  
131 a chiropractic college that subscribes to one philosophy of  
132 chiropractic medicine as distinguished from another.

133 (d)1. For an applicant who has matriculated in a  
134 chiropractic college before July 2, 1990, completed at least 2  
135 years of residence college work, consisting of a minimum of one-  
136 half the work acceptable for a bachelor's degree granted on the  
137 basis of a 4-year period of study, in a college or university  
138 accredited by an institutional accrediting agency recognized and  
139 approved by the United States Department of Education. However,  
140 before being certified by the board to sit for the examination,  
141 each applicant who has matriculated in a chiropractic college  
142 after July 1, 1990, must have been granted a bachelor's degree,  
143 based upon 4 academic years of study, by a college or university  
144 accredited by an institutional accrediting agency that is a  
145 member of the Commission on Recognition of Postsecondary

36-00872-23

2023378\_\_

146 Accreditation.

147       2. Effective July 1, 2000, completed, before matriculation  
148 in a chiropractic college, at least 3 years of residence college  
149 work, consisting of a minimum of 90 semester hours leading to a  
150 bachelor's degree in a liberal arts college or university  
151 accredited by an institutional accrediting agency recognized and  
152 approved by the United States Department of Education. However,  
153 before being certified by the board to sit for the examination,  
154 each applicant who has matriculated in a chiropractic college  
155 after July 1, 2000, must have been granted a bachelor's degree  
156 from an institution holding accreditation for that degree from  
157 an institutional accrediting agency that is recognized by the  
158 United States Department of Education. The applicant's  
159 chiropractic degree must consist of credits earned in the  
160 chiropractic program and may not include academic credit for  
161 courses from the bachelor's degree.

162       (e) Successfully completed the National Board of  
163 Chiropractic Examiners certification examination in parts I, II,  
164 III, and IV, and the physiotherapy examination of the National  
165 Board of Chiropractic Examiners, with a score approved by the  
166 board.

167       (f) Submitted to the department a set of fingerprints on a  
168 form and under procedures specified by the department, along  
169 with payment in an amount equal to the costs incurred by the  
170 Department of Health for the criminal background check of the  
171 applicant.

172

173 The board may require an applicant who graduated from an  
174 institution accredited by an accrediting agency recognized by

36-00872-23

2023378\_\_

175 ~~the United States Department of Education the Council on~~  
176 ~~Chiropractic Education~~ more than 10 years before the date of  
177 application to the board to take the National Board of  
178 Chiropractic Examiners Special Purposes Examination for  
179 Chiropractic, or its equivalent, as determined by the board. The  
180 board shall establish by rule a passing score.

181 (2) For those applicants applying for the certification  
182 examination who have matriculated prior to July 1, 1996, in a  
183 chiropractic college, the board shall waive the provisions of  
184 paragraph (1)(c) if the applicant is a graduate of a  
185 chiropractic college which has been denied accreditation or  
186 approval on the grounds that its curriculum does not include the  
187 training in acupuncture necessary for the completion of the  
188 certification examination or is a graduate of a chiropractic  
189 college where acupuncture is not taught or offered if the  
190 college is accredited by or has status with an accrediting  
191 agency recognized by the United States Department of Education  
192 ~~the Council on Chiropractic Education~~ or its predecessor.

193 (5) A student enrolled in a school or college of  
194 chiropractic accredited by an accrediting agency recognized by  
195 the United States Department of Education ~~the Council on~~  
196 ~~Chiropractic Education~~ or its successor in the final year of the  
197 program may file an application pursuant to subsection (1), take  
198 all examinations required for licensure, submit a set of  
199 fingerprints, and pay all fees required for licensure. A  
200 chiropractic student who successfully completes the licensure  
201 examinations and who otherwise meets all requirements for  
202 licensure as a chiropractic physician during the student's final  
203 year must have graduated before being certified for licensure

36-00872-23

2023378\_\_

204 pursuant to this section.

205 Section 5. Paragraph (a) of subsection (1) of section  
206 460.4061, Florida Statutes, is amended to read:

207 460.4061 Restricted license.—

208 (1) An applicant for licensure as a chiropractic physician  
209 may apply to the department for a restricted license without  
210 undergoing a state or national written or clinical competency  
211 examination for licensure if the applicant initially applies not  
212 later than October 31, 1994, for the restricted license and:

213 (a) Holds a degree from a college of chiropractic  
214 accredited by an accrediting agency recognized by the United  
215 States Department of Education ~~the Council on Chiropractic~~  
216 ~~Education~~ or its predecessor agency and holds a bachelor's  
217 degree.

218 Section 6. Paragraphs (a) and (e) of subsection (1) of  
219 section 460.4062, Florida Statutes, are amended to read:

220 460.4062 Chiropractic medicine faculty certificate.—

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

226 (a) Is a graduate of an accredited school or college of  
227 chiropractic accredited by an accrediting agency recognized by  
228 the United States Department of Education ~~the Council on~~  
229 ~~Chiropractic Education~~.

230 (e)1. Performs research or has been offered and has  
231 accepted a full-time or part-time faculty appointment to teach  
232 in a program of chiropractic medicine at a publicly funded state



36-00872-23

2023378\_\_

233 university or college or at a college of chiropractic located in  
234 this ~~the~~ state and accredited by an accrediting agency  
235 recognized by the United States Department of Education ~~the~~  
236 ~~Council on Chiropractic Education~~; and

237 2. Provides a certification from the dean of the appointing  
238 college acknowledging the appointment.

239 Section 7. Paragraph (b) of subsection (13) of section  
240 460.4165, Florida Statutes, is amended to read:

241 460.4165 Certified chiropractic physician's assistants.—

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

244 (b) Each certified chiropractic physician's assistant shall  
245 biennially complete 24 hours of continuing education courses  
246 sponsored by chiropractic colleges accredited by an accrediting  
247 agency recognized by the United States Department of Education  
248 ~~the Council on Chiropractic Education~~ and approved by the board.  
249 The board shall approve those courses that build upon the basic  
250 courses required for the practice of chiropractic medicine, and  
251 the board may also approve courses in adjunctive modalities. The  
252 board may make exception from the requirements of this section  
253 in emergency or hardship cases. The board may adopt rules within  
254 the requirements of this section which are necessary for its  
255 implementation.

256 Section 8. Paragraph (d) of subsection (1) of section  
257 460.4167, Florida Statutes, is amended to read:

258 460.4167 Proprietorship by persons other than licensed  
259 chiropractic physicians.—

260 (1) A person may not employ a chiropractic physician  
261 licensed under this chapter or engage a chiropractic physician

36-00872-23

2023378\_\_

262 licensed under this chapter as an independent contractor to  
263 provide services that chiropractic physicians are authorized to  
264 offer under this chapter, unless the person is any of the  
265 following:

266 (d) A clinical facility that is affiliated with a college  
267 of chiropractic accredited by an accrediting agency recognized  
268 by the United States Department of Education ~~the Council on~~  
269 ~~Chiropractic Education~~ at which training is provided for  
270 chiropractic students.

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