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CS/CS/HB 1063, Engrossed 1

2024 Legislature

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 2 An act relating to chiropractic medicine; amending s.
 3 460.403, F.S.; revising the definition of the term
 4 "practice of chiropractic medicine" to include a
 5 specified treatment; amending s. 460.406, F.S.;
 6 revising education requirements for licensure as a
 7 chiropractic physician; creating s. 460.4085, F.S.;
 8 requiring the Board of Chiropractic Medicine to
 9 establish minimum standards of practice for the
 10 performance of dry needling by chiropractic
 11 physicians, including specified education and training
 12 requirements and restrictions on such practice;
 13 authorizing the board to take specified actions at the
 14 request of a chiropractic physician; requiring the
 15 board to issue a chiropractic physician a letter
 16 certifying that he or she is authorized to perform dry
 17 needling if the chiropractic physician submits certain
 18 documentation to the board; providing an effective
 19 date.

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

22
 23 Section 1. Subsection (9) of section 460.403, Florida
 24 Statutes, is amended to read:
 25 460.403 Definitions.—As used in this chapter, the term:

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26 (9) (a) "Practice of chiropractic medicine" means a
27 noncombative principle and practice consisting of the science,
28 philosophy, and art of the adjustment, manipulation, and
29 treatment of the human body in which vertebral subluxations and
30 other malpositioned articulations and structures that are
31 interfering with the normal generation, transmission, and
32 expression of nerve impulse between the brain, organs, and
33 tissue cells of the body, thereby causing disease, are adjusted,
34 manipulated, or treated, thus restoring the normal flow of nerve
35 impulse which produces normal function and consequent health by
36 chiropractic physicians using specific chiropractic adjustment
37 or manipulation techniques taught in chiropractic colleges
38 accredited by the Council on Chiropractic Education. No person
39 other than a licensed chiropractic physician may render
40 chiropractic services, chiropractic adjustments, or chiropractic
41 manipulations.

42 (b) Any chiropractic physician who has complied with the
43 provisions of this chapter may examine, analyze, and diagnose
44 the human living body and its diseases by the use of any
45 physical, chemical, electrical, or thermal method; use the X ray
46 for diagnosing; phlebotomize; and use any other general method
47 of examination for diagnosis and analysis taught in any school
48 of chiropractic.

49 (c)1. Chiropractic physicians may adjust, manipulate, or
50 treat the human body by manual, mechanical, electrical, or

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51 natural methods; by the use of physical means or physiotherapy,
52 including light, heat, water, or exercise; by the use of
53 acupuncture; by the use of monofilament intramuscular
54 stimulation treatment, also known as dry needling, for trigger
55 points or myofascial pain; or by the administration of foods,
56 food concentrates, food extracts, and items for which a
57 prescription is not required and may apply first aid and
58 hygiene, but chiropractic physicians are expressly prohibited
59 from prescribing or administering to any person any legend drug
60 except as authorized under subparagraph 2., from performing any
61 surgery except as stated herein, or from practicing obstetrics.

62 2. Notwithstanding the prohibition against prescribing and
63 administering legend drugs under subparagraph 1. or s.
64 499.83(2)(c), pursuant to board rule chiropractic physicians may
65 order, store, and administer, for emergency purposes only at the
66 chiropractic physician's office or place of business,
67 prescription medical oxygen and may also order, store, and
68 administer the following topical anesthetics in aerosol form:

69 a. Any solution consisting of 25 percent ethylchloride and
70 75 percent dichlorodifluoromethane.

71 b. Any solution consisting of 15 percent
72 dichlorodifluoromethane and 85 percent
73 trichloromonofluoromethane.

74

75 However, this paragraph does not authorize a chiropractic

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76 | physician to prescribe medical oxygen as defined in s.
 77 | 499.82(10) ~~chapter 499~~.

78 | (d) Chiropractic physicians shall have the privileges of
 79 | services from the department's laboratories.

80 | (e) The term "chiropractic medicine," "chiropractic,"
 81 | "doctor of chiropractic," or "chiropractor" shall be synonymous
 82 | with "chiropractic physician," and each term shall be construed
 83 | to mean a practitioner of chiropractic medicine as the same has
 84 | been defined herein. Chiropractic physicians may analyze and
 85 | diagnose the physical conditions of the human body to determine
 86 | the abnormal functions of the human organism and to determine
 87 | such functions as are abnormally expressed and the cause of such
 88 | abnormal expression.

89 | (f) Any chiropractic physician who has complied with the
 90 | provisions of this chapter is authorized to analyze and diagnose
 91 | abnormal bodily functions and to adjust the physical
 92 | representative of the primary cause of disease as is herein
 93 | defined and provided. As an incident to the care of the sick,
 94 | chiropractic physicians may advise and instruct patients in all
 95 | matters pertaining to hygiene and sanitary measures as taught
 96 | and approved by recognized chiropractic schools and colleges. A
 97 | chiropractic physician may not use acupuncture until certified
 98 | by the board. Certification shall be granted to chiropractic
 99 | physicians who have satisfactorily completed the required
 100 | coursework in acupuncture and after successful passage of an

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101 appropriate examination as administered by the department. The
 102 required coursework shall have been provided by a college or
 103 university which is recognized by an accrediting agency approved
 104 by the United States Department of Education.

105 Section 2. Paragraph (d) of subsection (1) of section
 106 460.406, Florida Statutes, is amended to read:

107 460.406 Licensure by examination.—

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

119 (d)1. For an applicant who has matriculated in a
 120 chiropractic college before July 2, 1990, completed at least 2
 121 years of residence college work, consisting of a minimum of one-
 122 half the work acceptable for a bachelor's degree granted on the
 123 basis of a 4-year period of study, in a college or university
 124 accredited by an institutional accrediting agency recognized and
 125 approved by the United States Department of Education. However,

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126 before being certified by the board to sit for the examination,
127 each applicant who has matriculated in a chiropractic college
128 after July 1, 1990, must have been granted a bachelor's degree,
129 based upon 4 academic years of study, by a college or university
130 accredited by an institutional accrediting agency that is a
131 member of the Commission on Recognition of Postsecondary
132 Accreditation or have produced a credentials evaluation report
133 from a board-approved organization that deems the applicant's
134 education equivalent to a bachelor's degree.

135 2. Effective July 1, 2000, completed, before matriculation
136 in a chiropractic college, at least 3 years of residence college
137 work, consisting of a minimum of 90 semester hours leading to a
138 bachelor's degree in a liberal arts college or university
139 accredited by an institutional accrediting agency recognized and
140 approved by the United States Department of Education or
141 produced a credentials evaluation report from a board-approved
142 organization that deems the applicant's education equivalent to
143 a bachelor's degree. However, before being certified by the
144 board to sit for the examination, each applicant who has
145 matriculated in a chiropractic college after July 1, 2000, must
146 have been granted a bachelor's degree from an institution
147 holding accreditation for that degree from an institutional
148 accrediting agency that is recognized by the United States
149 Department of Education or have produced a credentials
150 evaluation report from a board-approved organization that deems

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151 the applicant's education equivalent to a bachelor's degree. The
 152 applicant's chiropractic degree must consist of credits earned
 153 in the chiropractic program and may not include academic credit
 154 for courses from the bachelor's degree.

155
 156 The board may require an applicant who graduated from an
 157 institution accredited by the Council on Chiropractic Education
 158 more than 10 years before the date of application to the board
 159 to take the National Board of Chiropractic Examiners Special
 160 Purposes Examination for Chiropractic, or its equivalent, as
 161 determined by the board. The board shall establish by rule a
 162 passing score.

163 Section 3. Section 460.4085, Florida Statutes, is created
 164 to read:

165 460.4085 Performance of dry needling by chiropractic
 166 physicians.—

167 (1) The board shall establish minimum standards of
 168 practice for the performance of dry needling by chiropractic
 169 physicians, including, at a minimum, all of the following:

170 (a) Completion of 40 hours of in-person continuing
 171 education on the topic of dry needling for chiropractic
 172 physicians not certified in chiropractic acupuncture and 24
 173 hours of such in-person continuing education for chiropractic
 174 physicians certified in chiropractic acupuncture, and passage of
 175 a written and practical examination. Online or distance-based

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176 courses do not qualify as approved hours to meet the dry
 177 needling certification requirements.
 178 1. Course content must be approved by one or more of the
 179 following entities before a chiropractic physician may take such
 180 course for purposes of meeting the continuing education
 181 requirements of this paragraph:
 182 a. An entity accredited in accordance with s. 460.408.
 183 b. The board.
 184 c. The American Chiropractic Association.
 185 d. The International Chiropractic Association.
 186 e. Providers of Approved Continuing Education.
 187 f. The American Medical Association.
 188 g. The American Osteopathic Association.
 189 2. The course instructor must be a licensed chiropractic
 190 physician, allopathic or osteopathic physician, or physical
 191 therapist holding a Doctor of Physical Therapy degree who has
 192 practiced dry needling for at least 5 years, either by
 193 instructing dry needling coursework at an accredited institution
 194 of higher education or treating patients using dry needling
 195 treatment in a professional office setting.
 196 3. The continuing education must include instruction in
 197 all of the following areas:
 198 a. Theory of dry needling.
 199 b. Selection and safe handling of needles and other
 200 apparatus or equipment used in dry needling, including

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201 instruction on the proper handling of biohazardous waste.
 202 c. Indications and contraindications for dry needling.
 203 d. Psychomotor skills needed to perform dry needling.
 204 e. Postintervention care, including adverse responses,
 205 adverse event recordkeeping, and any reporting obligations.
 206 (b) Completion of at least 10 patient sessions of dry
 207 needling performed under the supervision of a licensed
 208 chiropractic physician, allopathic or osteopathic physician, or
 209 physical therapist holding a Doctor of Physical Therapy degree
 210 who has actively performed dry needling for at least 1 year. A
 211 chiropractic physician must provide satisfactory documentation
 212 to the board demonstrating that he or she has met the
 213 supervision and competency requirements of this paragraph and
 214 does not need additional supervised sessions to perform dry
 215 needling.
 216 (c) A requirement that dry needling may not be performed
 217 without patient consent and education on the risks and adverse
 218 events that could occur. Such patient consent and education must
 219 be included as part of the patient's documented plan of care.
 220 (d) A requirement that dry needling may not be delegated
 221 to any person other than a chiropractic physician who is
 222 authorized to engage in dry needling under this chapter.
 223 (2) At the request of a licensee, the board may do any of
 224 the following:
 225 (a) Review coursework completed before July 1, 2024, to be

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226 approved to satisfy the coursework requirements of this section.

227 (b) Waive some or all of the hours or requirements of
 228 subsection (1) if the licensee presents satisfactory proof of
 229 completing coursework that constitutes adequate training of dry
 230 needling or of the components of education and training required
 231 for dry needling.

232 (c) Determine whether the licensee has received adequate
 233 training to be eligible to perform dry needling.

234 (3) When a chiropractic physician submits documentation to
 235 the board verifying completion of the required hours of
 236 education and training under this section, the board must issue
 237 the chiropractic physician a letter certifying that the he or
 238 she is authorized to practice dry needling under this chapter.

239 Section 4. This act shall take effect upon becoming a law.