

Committee Substitute for
Committee Substitute for Senate Bill No. 2858

An act relating to chiropractic medicine; amending s. 460.406, F.S.; providing that the Board of Chiropractic Medicine may require certain applicants to take the National Board of Chiropractic Examiners Special Purposes Examination for Chiropractic or its equivalent; providing requirements for students relating to licensure as a chiropractic physician by examination; amending s. 460.4062, F.S.; revising provisions relating to chiropractic medicine faculty certificates; amending s. 460.4165, F.S.; revising conditions under which a certified chiropractic physician's assistant may perform services; revising provisions relating to certified chiropractic physician's assistant licensure application; restricting the place of practice of certified chiropractic physician's assistants performing services under indirect supervision; creating s. 460.4167, F.S.; providing requirements for proprietorships owned by persons other than licensed chiropractic physicians; providing prohibitions; providing penalties; providing a purpose; amending s. 460.408, F.S.; requiring a specified number of contact classroom hours of continuing education; providing effective dates.

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

Section 1. Subsection (1) of section 460.406, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

460.406 Licensure by examination.—

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

- (a) Completed the application form and remitted the appropriate fee.
- (b) Submitted proof satisfactory to the department that he or she is not less than 18 years of age.
- (c) Submitted proof satisfactory to the department that he or she is a graduate of a chiropractic college which is accredited by or has status with the Council on Chiropractic Education or its predecessor agency. However, any applicant who is a graduate of a chiropractic college that was initially accredited by the Council on Chiropractic Education in 1995, who graduated from such college within the 4 years immediately preceding such accreditation, and who is otherwise qualified shall be eligible to take the examination.

No application for a license to practice chiropractic medicine shall be denied solely because the applicant is a graduate of a chiropractic college that subscribes to one philosophy of chiropractic medicine as distinguished from another.

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

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

(e) Successfully completed the National Board of Chiropractic Examiners certification examination in parts I, ~~and II,~~ and III ~~clinical competency,~~ with a score approved by the board, ~~within 10 years immediately preceding application to the department for licensure.~~

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

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

(5) A student in a school or college of chiropractic accredited by the Council on Chiropractic Education or its successor in the final year of the program may file an application pursuant to subsection (1), take all examinations required for licensure, submit a set of fingerprints, and pay all fees required for licensure. A chiropractic student who successfully completes the

licensure examinations and who otherwise meets all requirements for licensure as a chiropractic physician during the student's final year must have graduated before being certified for licensure pursuant to this section.

Section 2. Paragraph (e) of subsection (1) and subsection (2) of section 460.4062, Florida Statutes, are amended to read:

460.4062 Chiropractic medicine faculty certificate.—

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

(e)1. Has been offered and has accepted a full-time faculty appointment to teach in a program of chiropractic medicine at a publicly funded state university or college or at a college of chiropractic located in the state and accredited by the Council on Chiropractic Education; and

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

(2) The certificate shall authorize the holder to practice only in conjunction with his or her faculty position at a ~~publicly funded state~~ university or college and its affiliated clinics that are registered with the board as sites at which holders of chiropractic medicine faculty certificates will be practicing. Except as provided in subsection (4), such certificate shall automatically expire upon termination of the holder's relationship with the university or college school or after a period of 2 years, whichever occurs first.

Section 3. Paragraph (b) of subsection (2) and subsection (6) of section 460.4165, Florida Statutes, are amended, and subsection (14) is added to that section, to read:

460.4165 Certified chiropractic physician's assistants.—

(2) PERFORMANCE BY CERTIFIED CHIROPRACTIC PHYSICIAN'S ASSISTANT.—Notwithstanding any other provision of law, a certified chiropractic physician's assistant may perform chiropractic services in the specialty area or areas for which the certified chiropractic physician's assistant is trained or experienced when such services are rendered under the supervision of a licensed chiropractic physician or group of chiropractic physicians certified by the board. Any certified chiropractic physician's assistant certified under this section to perform services may perform those services only:

(b) Under indirect supervision if the indirect supervision occurs at the address of record or place of practice required by s. 456.035, other than at a clinic licensed under part X of chapter 400, of the chiropractic physician to whom she or he is assigned as defined by rule of the board;

(6) APPLICATION APPROVAL.—Any person desiring to be licensed as a certified chiropractic physician's assistant must apply to the department. The application shall include a work-arrangement proposal and, as part of

the application process, the board shall interview the proposed supervising chiropractic physician, whose license must not be encumbered or restricted, and the applicant to determine whether the work-arrangement proposal provides for responsible supervision, as a condition of certification and approval of any subsequent changes in the supervising physician. The department shall issue a certificate to any person certified by the board as having met the following requirements:

(a) Is at least 18 years of age.

(b) Is a graduate of an approved program or its equivalent and is fully certified by reason of experience and education, as defined by board rule, to perform chiropractic services under the responsible supervision of a licensed chiropractic physician and when the board is satisfied that the public will be adequately protected by the arrangement proposed in the application.

(c) Has completed the application form and remitted an application fee set by the board pursuant to this section. An application for certification made by a chiropractic physician's assistant must include:

1. A certificate of completion of a physician's assistant training program specified in subsection (5).

2. A sworn statement of any prior felony conviction in any jurisdiction.

3. A sworn statement of any previous revocation or denial of licensure or certification in any state or jurisdiction.

(14) SUPERVISION OF CERTIFIED CHIROPRACTIC PHYSICIAN'S ASSISTANTS AT LICENSED CLINICS.—A certified chiropractic physician's assistant certified under this section to perform services at a clinic licensed under part X of chapter 400 may perform those services only under direct supervision of the chiropractic physician to whom she or he is assigned.

Section 4. Effective July 1, 2008, section 460.4167, Florida Statutes, is created to read:

460.4167 Proprietorship by persons other than licensed chiropractic physicians.—

(1) No person other than a sole proprietorship, group practice, partnership, or corporation that is wholly owned by one or more chiropractic physicians licensed under this chapter or by a chiropractic physician licensed under this chapter and the spouse, parent, child, or sibling of that chiropractic physician may employ a chiropractic physician licensed under this chapter or engage a chiropractic physician licensed under this chapter as an independent contractor to provide services authorized by this chapter to be offered by a chiropractic physician licensed under this chapter, except for:

(a) A sole proprietorship, group practice, partnership, or corporation that is wholly owned by a physician or physicians licensed under this chapter, chapter 458, chapter 459, or chapter 461.

(b) Entities that are owned, directly or indirectly, by an entity licensed or registered by the state under chapter 395.

(c) Clinical facilities affiliated with a college of chiropractic accredited by the Council on Chiropractic Education at which training is provided for chiropractic students.

(d) A public or private university or college.

(e) An entity that is exempt from federal taxation under s. 501(c)(3) or (4) of the Internal Revenue Code, any community college or university clinic, and any entity owned or operated by the Federal Government or by state government, including any agency, county, municipality, or other political subdivision thereof.

(f) An entity owned by a corporation the stock of which is publicly traded.

(g) A clinic licensed under part X of chapter 400 that provides health care services by physicians licensed under chapter 458, chapter 459, or chapter 460, the medical director of which is licensed under chapter 458 or chapter 459.

(h) A state-licensed insurer.

(2) No person other than a chiropractic physician licensed under this chapter shall direct, control, or interfere with a chiropractic physician's clinical judgment regarding the medical necessity of chiropractic treatment. For purposes of this subsection, a chiropractic physician's clinical judgment does not apply to chiropractic services contractually excluded, the application of alternative services that may be appropriate given the chiropractic physician's prescribed course of treatment, or determinations comparing contractual provisions and scope of coverage with a chiropractic physician's prescribed treatment on behalf of a covered person by an insurer, health maintenance organization, or prepaid limited health service organization.

(3) Any lease agreement, rental agreement, or other arrangement between a person other than a licensed chiropractic physician and a chiropractic physician whereby the person other than a licensed chiropractic physician provides the chiropractic physician with chiropractic equipment or chiropractic materials shall contain a provision whereby the chiropractic physician expressly maintains complete care, custody, and control of the equipment or practice.

(4) The purpose of this section is to prevent a person other than a licensed chiropractic physician from influencing or otherwise interfering with the exercise of a chiropractic physician's independent professional judgment. In addition to the acts specified in subsection (1), a person other than a licensed chiropractic physician and any entity other than a sole proprietorship, group practice, partnership, or corporation that is wholly owned by one or more chiropractic physicians licensed under this chapter or by a chiropractic physician licensed under this chapter and the spouse, parent, child, or sibling of that physician, may not employ a chiropractic physician licensed under this chapter or enter into a contract or arrangement with a chiropractic

physician pursuant to which such unlicensed person or such entity exercises control over the following:

(a) The selection of a course of treatment for a patient, the procedures or materials to be used as part of such course of treatment, and the manner in which such course of treatment is carried out by the licensee;

(b) The patient records of a chiropractor;

(c) Policies and decisions relating to pricing, credit, refunds, warranties, and advertising; or

(d) Decisions relating to office personnel and hours of practice.

(5) Any person who violates this section commits a felony of the third degree, punishable as provided in s. 775.081, s. 775.083, or s. 775.035.

(6) Any contract or arrangement entered into or undertaken in violation of this section shall be void as contrary to public policy. This section applies to contracts entered into or renewed on or after July 1, 2008.

Section 5. Subsection (1) of section 460.408, Florida Statutes, is amended to read:

460.408 Continuing chiropractic education.—

(1) The board shall require licensees to periodically demonstrate their professional competence as a condition of renewal of a license by completing up to 40 contact classroom hours of continuing education.

(a) Continuing education courses sponsored by chiropractic colleges whose graduates are eligible for examination under any provision of this chapter shall be approved by the board if all other requirements of board rules setting forth criteria for course approval are met.

(b) The board shall approve those courses that build upon the basic courses required for the practice of chiropractic medicine, and the board may also approve courses in adjunctive modalities.

Section 6. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2007.

Approved by the Governor June 27, 2007.

Filed in Office Secretary of State June 27, 2007.