

# CHAPTER 97-247

## House Bill No. 1561

An act relating to chiropractic; amending s. 460.403, F.S.; revising and providing definitions applicable to the regulation of chiropractic; eliminating the requirement of certification to practice phlebotomy or physiotherapy or to administer proprietary drugs; amending ss. 460.406 and 460.413, F.S., relating to licensure by examination and grounds for disciplinary action, to conform; providing an effective date.

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

Section 1. Section 460.403, Florida Statutes, 1996 Supplement, is amended to read:

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

(1)(5) “Approved program” means a program for the education of certified chiropractic physician’s assistants, which program has been formally approved by the board.

(2) “Board” means the Board of Chiropractic.

(3)(7) “Certified chiropractic physician’s assistant” means a person who is a graduate of an approved program or its equivalent and is approved by the department to perform chiropractic services under the indirect supervision of a chiropractic physician or group of physicians certified by the board to supervise such assistant. An approved chiropractic physician or group of physicians may indirectly supervise more than one certified chiropractic physician’s assistant.

(4) “Chiropractic physician” means any person licensed to practice chiropractic pursuant to this chapter.

(5)(4) “Department” means the Department of Health Business and Professional Regulation.

(6) “Direct supervision” means responsible supervision and control, with the licensed chiropractic physician assuming legal liability for the services rendered by a registered chiropractic assistant. Except in cases of emergency, direct supervision shall require the physical presence of the licensed chiropractic physician for consultation and direction of the actions of the registered chiropractic assistant. The board shall further establish rules as to what constitutes responsible direct supervision of a registered chiropractic assistant.

(7)(8) “Indirect supervision” means responsible supervision and control, with the licensed chiropractic physician assuming legal liability for the services rendered by a ~~the~~ certified chiropractic physician’s assistant. Except in cases of emergency, indirect supervision shall require the easy avail-

ability or physical presence of the licensed chiropractic physician for consultation and direction of the actions of the certified chiropractic physician's assistant. The board shall further establish rules as to what constitutes responsible indirect supervision of the certified chiropractic physician's assistant.

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

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

(c)1. Chiropractic physicians may adjust, manipulate, or treat the human body by manual, mechanical, electrical, or natural methods; by the use of physical means or physiotherapy, including light, heat, water, or exercise; by the use of acupuncture; or by the administration of foods, food concentrates, food extracts, and items for which a prescription is not required ~~proprietary drugs~~ and may apply first aid and hygiene, but chiropractic physicians are expressly prohibited from prescribing or administering to any person any legend drug except as authorized under subparagraph 2., from performing any surgery except as stated herein, or from practicing obstetrics.

2. Notwithstanding the prohibition against prescribing and administering legend drugs under subparagraph 1., or s. 449.0122, pursuant to board rule chiropractic physicians may order, store, and administer, for emergency purposes only at the chiropractic physician's office or place of business, prescription medical oxygen and may also order, store, and administer the following topical anesthetics in aerosol form:

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

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

However, this paragraph does not authorize a chiropractic physician to prescribe medical oxygen as defined in chapter 499.

(d) ~~Chiropractic physicians shall have the privileges of services from the department's Department of Health and Rehabilitative Services laboratories.~~

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

(f) Any chiropractic physician who has complied with the provisions of this chapter is authorized to analyze and diagnose abnormal bodily functions and to adjust the physical representative of the primary cause of disease as is herein defined and provided. As an incident to the care of the sick, chiropractic physicians may advise and instruct patients in all matters pertaining to hygiene and sanitary measures as taught and approved by recognized chiropractic schools and colleges. ~~A Any chiropractic physician licensed after October 1, 1986, may not phlebotomize, use physiotherapy or acupuncture, or administer proprietary drugs until certified by the board to use any of such procedures. Certification shall be granted to chiropractic physicians licensed after October 1, 1986, who have satisfactorily completed the required coursework in acupuncture the procedure or procedures for which certification is sought and after successful passage of an appropriate examination as administered by the department. The required coursework shall have been provided by a college or university which is recognized by an accrediting agency approved by the United States Department of Education. Chiropractic physicians licensed after October 1, 1986, seeking certification in one or more of the procedures for which certification is required may elect to take the certification examination at the time of taking the initial licensing examination or at any subsequent examination. Nothing herein shall be construed to require chiropractic physicians who have met all requirements for licensure prior to October 1, 1986, to become certified to phlebotomize or use physiotherapy.~~

(9) "Registered chiropractic assistant" means a person who is registered by the board to perform chiropractic services under the direct supervision of a chiropractic physician.

(10)(6) "Trainee" means a person who is currently enrolled in an approved program.

Section 2. Subsections (2) and (3) of section 460.406, Florida Statutes, 1996 Supplement, are amended to read:

460.406 Licensure by examination.—

(2) For those applicants applying for the certification examination examinations who have matriculated prior to July 1, 1996, in a chiropractic college, the board shall waive the provisions of paragraph (1)(c) if the applicant is a graduate of a chiropractic college which has been denied accreditation or approval on the grounds that its curriculum does not include the

~~training in acupuncture all of, or is deficient in, the subjects necessary for the completion of the certification examination examinations or is a graduate of a chiropractic college where acupuncture is such subjects are not taught or offered if the college is accredited by or has status with the Council on Chiropractic Education or its predecessor.~~

(3) An applicant for the licensure examination may elect not to take the certification examination to use examinations which address phlebotomizing, physiotherapy, acupuncture, or administration of proprietary drugs. The department shall, in addition to the licensing exam, offer an examination examinations for certification to phlebotomize, use physiotherapy or acupuncture, or administer proprietary drugs. An applicant may elect to take ~~one or more of the certification examination examinations~~ at the time of taking the licensure examination. Passage of ~~one or more of the certification examination examinations~~ shall not grant any applicant the right to practice chiropractic absent the passage of the licensing examination.

Section 3. Paragraphs (p), (bb), (cc) and (ff) of subsection (1) of section 460.413, Florida Statutes, 1996 Supplement, are amended to read:

460.413 Grounds for disciplinary action; action by the board.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(p) Prescribing, dispensing, or administering any medicinal drug except as authorized by s. 460.403(8)(3)(c)2., performing any surgery, or practicing obstetrics.

~~(bb) Reducing or offering to reduce, rebating or offering to rebate, or discounting or offering to discount to an insured any payment to the licensee by the third party payor of the insured for services or treatments rendered under the insured's policy.~~

~~(cc) Submitting to any third party payor a claim for a service or treatment at a greater or an inflated fee or charge than the usual fee the licensee charges for that service or treatment when rendered without third party reimbursement.~~

~~(ff) Phlebotomizing or Using physiotherapy or acupuncture or administering proprietary drugs without being certified or exempted from certification pursuant to s. 460.403(8)(3)(f).~~

Section 4. This act shall take effect July 1, 1997.

Became a law without the Governor's approval May 30, 1997.

Filed in Office Secretary of State May 29, 1997.