

By Senator Brandes

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1                   A bill to be entitled  
2       An act relating to chiropractic medicine; amending s.  
3       460.402, F.S.; revising applicability of provisions  
4       relating to chiropractic medicine 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  
13      medicine to applicants who meet certain requirements,  
14      including the payment of a fee; repealing s. 460.4061,  
15      F.S., relating to a restricted license; amending s.  
16      460.4062, F.S.; revising the educational requirements  
17      that must be satisfied by applicants before the  
18      department may issue a chiropractic medicine faculty  
19      certificate; amending s. 460.413, F.S.; revising  
20      grounds for denial of a license or disciplinary action  
21      relating to failing to preserve identity of funds and  
22      property of a patient; amending s. 460.4165, F.S.;  
23      revising continuing education requirements for  
24      chiropractic physician's assistants; amending s.  
25      460.4167, F.S.; revising provisions relating to the  
26      employment by certain clinical facilities of  
27      independent contractors who provide specified  
28      chiropractic services; providing an effective date.  
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30 Be It Enacted by the Legislature of the State of Florida:

31  
 32 Section 1. Section 460.402, Florida Statutes, is amended to  
 33 read:

34 460.402 Exceptions.—This chapter does ~~The provisions of~~  
 35 ~~this chapter shall~~ not apply to:

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

38 (2) Any person furnishing medical assistance in case of an  
 39 emergency.

40 (3) The domestic administration of recognized family  
 41 remedies.

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

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

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

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

58 (b) A chiropractic college clinical internship under the

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59 direct supervision of a doctor of chiropractic medicine who is a  
60 full-time, part-time, or adjunct faculty member of a  
61 chiropractic college located in this state which is accredited  
62 by an accrediting agency recognized by the United States  
63 Secretary of Education or of an institution located outside the  
64 United States which is approved by the board or authorized to  
65 operate by the government having jurisdiction over the program  
66 ~~and accredited by the Council on Chiropractic Education~~ and who  
67 holds a current, active Florida chiropractor's license.

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

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

76 460.403 Definitions.—As used in this chapter, the term:

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

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88 chiropractic medicine who is approved as an adjunct faculty  
89 member of the chiropractic college in which the student is  
90 enrolled, in accordance with ~~according to~~ the teaching protocols  
91 for the clinical practice requirements of the college.

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

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

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117 accredited by an accrediting agency recognized by the United  
118 States Secretary of Education or in an educational program  
119 leading to a degree in chiropractic medicine from an institution  
120 located outside the United States which is approved by the board  
121 or authorized to operate by the government having jurisdiction  
122 over the program ~~colleges accredited by the Council on~~  
123 ~~Chiropractic Education.~~ No person other than a licensed  
124 chiropractic physician may render chiropractic services,  
125 chiropractic adjustments, or chiropractic manipulations.

126 Section 3. Section 460.406, Florida Statutes, is amended to  
127 read:

128 460.406 Licensure by examination; licensure by  
129 endorsement.—

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

141 (a) Completed the application form and remitted the  
142 appropriate fee.

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

145 (c) Submitted proof satisfactory to the department that he

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

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

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175 ~~the Commission on Recognition of Postsecondary Accreditation.~~

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

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

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

201  
202 ~~The board may require an applicant who graduated from an~~  
203 ~~institution accredited by the Council on Chiropractic Education~~

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204 ~~more than 10 years before the date of application to the board~~  
205 ~~to take the National Board of Chiropractic Examiners Special~~  
206 ~~Purposes Examination for Chiropractic, or its equivalent, as~~  
207 ~~determined by the board. The board shall establish by rule a~~  
208 ~~passing score.~~

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

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

229 (4) The department shall submit written notification within  
230 5 working days to applicants who have successfully completed the  
231 requirements of paragraphs (1)(a)-(d) ~~(1)(a)-(e)~~ and who have  
232 successfully passed the state licensure examination. An

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233 applicant who is notified in writing by the department of the  
234 successful completion of requirements in paragraphs (1) (a) - (d)  
235 ~~(1) (a) - (e)~~ and who has successfully passed the state licensure  
236 examination may lawfully practice pending receipt of the  
237 certificate of licensure, and the written notification shall act  
238 as evidence of licensure entitling the chiropractic physician to  
239 practice for a maximum period of 45 days or until the licensing  
240 fee is received by the department whichever is sooner.

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

257 (6) The department shall issue a license by endorsement to  
258 practice chiropractic medicine to an applicant who submits an  
259 application to the department, pays an application fee  
260 determined by the board, which may not exceed \$100, and provides  
261 proof that he or she has satisfied all of the following

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262 requirements:

263 (a) Holds a valid license to practice chiropractic medicine  
264 in another state or territory of the United States.

265 (b) Has actively practiced chiropractic medicine in another  
266 state or territory of the United States for the preceding 10  
267 years without having his or her license acted against by the  
268 licensing authority of any jurisdiction.

269 (c) Meets the requirements in paragraphs (1)(a), (b), (c),  
270 and (e).

271 Section 4. Section 460.4061, Florida Statutes, is repealed.

272 Section 5. Subsection (1) of section 460.4062, Florida  
273 Statutes, is amended to read:

274 460.4062 Chiropractic medicine faculty certificate.—

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

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

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

290 (c) Is at least 21 years of age and of good moral

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291 character.

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

295 (e)1. Performs research or has been offered and has  
296 accepted a full-time or part-time faculty appointment to teach  
297 in a program of chiropractic medicine at a publicly funded state  
298 university or college or at a college of chiropractic located in  
299 the state and accredited by an accrediting agency recognized by  
300 the United States Secretary of Education ~~the Council on~~  
301 ~~Chiropractic Education~~; and

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

304 Section 6. Present paragraphs (z) through (ff) of  
305 subsection (1) of section 460.413, Florida Statutes, are  
306 redesignated as paragraphs (y) through (ee), respectively, and  
307 present paragraph (y) of that subsection is amended, to read:

308 460.413 Grounds for disciplinary action; action by board or  
309 department.—

310 (1) The following acts constitute grounds for denial of a  
311 license or disciplinary action, as specified in s. 456.072(2):

312 ~~(y) Failing to preserve identity of funds and property of a~~  
313 ~~patient, the value of which is greater than \$501. As provided by~~  
314 ~~rule of the board, money or other property entrusted to a~~  
315 ~~chiropractic physician for a specific purpose, including~~  
316 ~~advances for costs and expenses of examination or treatment~~  
317 ~~which may not exceed the value of \$1,500, is to be held in trust~~  
318 ~~and must be applied only to that purpose. Money and other~~  
319 ~~property of patients coming into the hands of a chiropractic~~

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320 ~~physician are not subject to counterclaim or setoff for~~  
321 ~~chiropractic physician's fees, and a refusal to account for and~~  
322 ~~deliver over such money and property upon demand shall be deemed~~  
323 ~~a conversion. This is not to preclude the retention of money or~~  
324 ~~other property upon which the chiropractic physician has a valid~~  
325 ~~lien for services or to preclude the payment of agreed fees from~~  
326 ~~the proceeds of transactions for examinations or treatments.~~  
327 ~~Controversies as to the amount of the fees are not grounds for~~  
328 ~~disciplinary proceedings unless the amount demanded is clearly~~  
329 ~~excessive or extortionate, or the demand is fraudulent. All~~  
330 ~~funds of patients paid to a chiropractic physician, other than~~  
331 ~~advances for costs and expenses, shall be deposited into one or~~  
332 ~~more identifiable bank accounts maintained in the state in which~~  
333 ~~the chiropractic physician's office is situated, and funds~~  
334 ~~belonging to the chiropractic physician may not be deposited~~  
335 ~~therein except as follows:~~

336 ~~1. Funds reasonably sufficient to pay bank charges may be~~  
337 ~~deposited therein.~~

338 ~~2. Funds belonging in part to a patient and in part~~  
339 ~~presently or potentially to the physician must be deposited~~  
340 ~~therein, but the portion belonging to the physician may be~~  
341 ~~withdrawn when due unless the right of the physician to receive~~  
342 ~~it is disputed by the patient, in which event the disputed~~  
343 ~~portion may not be withdrawn until the dispute is finally~~  
344 ~~resolved.~~

345  
346 ~~Every chiropractic physician shall maintain complete records of~~  
347 ~~all funds, securities, and other properties of a patient coming~~  
348 ~~into the possession of the physician and render appropriate~~

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349 ~~accounts to the patient regarding them. In addition, every~~  
 350 ~~chiropractic physician shall promptly pay or deliver to the~~  
 351 ~~patient, as requested by the patient, the funds, securities, or~~  
 352 ~~other properties in the possession of the physician which the~~  
 353 ~~patient is entitled to receive.~~

354 Section 7. Paragraph (b) of subsection (13) of section  
 355 460.4165, Florida Statutes, is amended to read:

356 460.4165 Certified chiropractic physician's assistants.—

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

359 (b) Each certified chiropractic physician's assistant shall  
 360 biennially complete 24 hours of continuing education courses  
 361 approved by the board and sponsored by a chiropractic college  
 362 colleges accredited by an accrediting agency recognized by the  
 363 United States Secretary of Education or by an institution  
 364 located outside the United States which is approved by the board  
 365 or authorized to operate by the government having jurisdiction  
 366 over the college or institution ~~the Council on Chiropractic~~  
 367 ~~Education and approved by the board.~~ The board shall approve  
 368 those courses that build upon the basic courses required for the  
 369 practice of chiropractic medicine, and the board may also  
 370 approve courses in adjunctive modalities. The board may exempt a  
 371 chiropractic physician's assistant ~~make exception~~ from the  
 372 requirements of this section in the case of an emergency or  
 373 ~~hardship cases.~~ The board may adopt rules within the  
 374 requirements of this section which are necessary for its  
 375 implementation.

376 Section 8. Subsection (1) of section 460.4167, Florida  
 377 Statutes, is amended to read:

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378 460.4167 Proprietorship by persons other than licensed  
379 chiropractic physicians.—

380 (1) A person may not employ a chiropractic physician  
381 licensed under this chapter or engage a chiropractic physician  
382 licensed under this chapter as an independent contractor to  
383 provide services that chiropractic physicians are authorized to  
384 offer under this chapter, unless the person is any of the  
385 following:

386 (a) A sole proprietorship, group practice, partnership,  
387 corporation, limited liability company, limited partnership,  
388 professional association, or any other entity that is wholly  
389 owned by:

390 1. One or more chiropractic physicians licensed under this  
391 chapter;

392 2. A chiropractic physician licensed under this chapter and  
393 the spouse or surviving spouse, parent, child, or sibling of the  
394 chiropractic physician; or

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

398  
399 If the chiropractic physician described in subparagraph 2. dies,  
400 notwithstanding part X of chapter 400, the surviving spouse or  
401 adult children may hold, operate, pledge, sell, mortgage,  
402 assign, transfer, own, or control the chiropractic physician's  
403 ownership interests for so long as the surviving spouse or adult  
404 children remain the sole proprietors of the chiropractic  
405 practice.

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

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407 corporation, limited liability company, limited partnership,  
408 professional association, or any other entity that is wholly  
409 owned by a physician or physicians licensed under this chapter,  
410 chapter 458, chapter 459, or chapter 461.

411 (c) An entity that is wholly owned, directly or indirectly,  
412 by an entity licensed or registered by the state under chapter  
413 395.

414 (d) A clinical facility that is affiliated with a college  
415 of chiropractic accredited by an accrediting agency recognized  
416 by the United States Secretary of Education or with an  
417 institution located outside the United States which is approved  
418 by the board or authorized to operate by the government having  
419 jurisdiction over the college or institution ~~by the Council on~~  
420 ~~Chiropractic Education~~ at which training is provided for  
421 chiropractic students.

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

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

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

431 (h) A clinic licensed under part X of chapter 400 which  
432 provides chiropractic services by a chiropractic physician  
433 licensed under this chapter and other health care services by  
434 physicians licensed under chapter 458 or chapter 459, the  
435 medical director of which is licensed under chapter 458 or

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436 chapter 459.

437 (i) A state-licensed insurer.

438 (j) A health maintenance organization or prepaid health

439 clinic regulated under chapter 641.

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