

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Health Policy

BILL: SB 1242

INTRODUCER: Senator Rouson

SUBJECT: Chiropractors

DATE: March 29, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Brown	HP	Pre-meeting
2.	_____	_____	ED	_____
3.	_____	_____	RC	_____

I. Summary:

SB 1242 strikes the Council on Chiropractic Education as the accrediting agency for chiropractic schools and colleges in the United States. The bill provides that for an applicant to satisfy the chiropractic educational requirements for licensure, he or she must have graduated from a chiropractic school or college accredited by an accrediting agency recognized by the Secretary of the United States Department of Education.

The bill creates a path to licensure for foreign-educated chiropractic physicians and a path to certification for foreign-educated applicants for chiropractic faculty certificates.

The bill creates licensure by endorsement in Florida for chiropractic physicians. The Board of Chiropractic Medicine (BOCM) may grant an individual a license to practice chiropractic medicine if the applicant has held a valid license to practice chiropractic in another state or territory of the United States for 10 years with no discipline and meets all other licensure requirements except the passing of the national examination.

The bill may have an insignificant fiscal impact on state government.

The bill takes effect upon becoming law.

II. Present Situation:

Chiropractic Medicine

Chapter 460, F.S., sets the minimum requirements for safe practice of chiropractic medicine in Florida. The Department of Health (DOH) and BOCM regulate the education, training, and practice of chiropractic physicians. The practice of chiropractic medicine consists of the science,

philosophy, and art of adjustment, manipulation, and treatment of the human body which produces normal function and health using specific chiropractic techniques taught in chiropractic colleges accredited by the Council on Chiropractic Education (CCE). No person other than a licensed chiropractic physician may lawfully render chiropractic services, chiropractic adjustments, or chiropractic manipulations.¹

Chapter 460, F.S., does not apply to a chiropractic student enrolled in a chiropractic college accredited by the CCE and participating in either:

- A community-based internship under the direct supervision of a doctor of chiropractic medicine who is credentialed as an adjunct faculty member of a chiropractic college in which the student is enrolled; or
- A chiropractic college clinical internship under the direct supervision of a doctor of chiropractic medicine who is a full-time, part-time, or adjunct faculty member of a chiropractic college located in this state and accredited by the CCE and who holds a current, active, Florida chiropractic license.²

Licensure

Section 460.406, F.S., requires that a person desiring a license as a chiropractic physician in Florida by examination must pay to the DOH an application fee and examination fee. The DOH must certify to the BOCM that each applicant has submitted proof that he or she:

- Is at least 18 years of age;
- Is a graduate of a chiropractic college accredited by the CCE or its predecessor;
- Has completed at least three years of residence college work in a college or university accredited by an accrediting agency recognized and approved by the United States Department of Education (US-DOE);³
- Has passed the National Board of Chiropractic Examiners certification examination, parts I, II, III, and IV, and the physiotherapy examination of the National Board of Chiropractic Examiners;
- Has taken and passed the Florida Laws and Rules Examination;⁴ and
- Has submitted to a criminal background check.⁵

The BOCM may require an applicant who has graduated from a CCE-accredited institution more than 10 years before the date of his or her application for licensure to take and pass the National Board of Chiropractic Examiners Special Purposes Examination for Chiropractic.⁶

An applicant applying to take the acupuncture certification exam, who graduated chiropractic college before July 1, 1996, from a college which was denied CCE accreditation on the basis that

¹ Section 460.403, F.S.

² Section 460.402, F.S.

³ Section 460.406(1)d., F.S. For applicants who graduated from a chiropractic college before July 2, 1990, only 2 years of residence college work from an accredited college or university are required. However, anyone who graduated from a chiropractic college after July 1, 1990, must have received a bachelor's degree based on four academic years of study from an accredited college.

⁴ Section 456.017(6), F.S.; Fla. Admin. Code R. 64B2-11.001(2), (2019).

⁵ Section 460.406(1), F.S.

⁶ *Id.*

the curriculum did not include acupuncture certification preparation, or where acupuncture was not taught, is exempt from the requirement that they are a graduate of a chiropractic college which was CCE accredited.⁷

The DOH must offer both a licensing exam and an acupuncture certification exam. An applicant may elect to take both at once or take each separately, but the passage of the acupuncture certification exam alone does not permit the applicant to practice chiropractic medicine absent the passage of the licensing examination.⁸

The DOH must notify in writing applicants with completed applications who have successfully passed the state licensure exam within five working days after taking the exam. Such applicants may lawfully practice chiropractic medicine for a maximum period of 45 day, pending DOH's receipt of the licensure fee and issuance of the certificate of licensure.⁹

A student in a chiropractic school or college, accredited by the CCE, in his or her final year, may file an application to take all exams required for licensure, submit fingerprints, and pay all fees required for licensure. A chiropractic student who successfully completes the licensure examinations and has met all the requirements for licensure as a chiropractic physician during that final year, must graduate before the DOH may issue him or her a license.¹⁰

Restricted Licenses

Section 460.4061, F.S., creates a limited opportunity for certain chiropractic physicians to apply for licensure without a licensure exam. The BOCM may grant restricted licenses to applicants who:¹¹

- Applied by October 31, 1994;
- Held a degree from a college accredited by the CCE;
- Continuously held a license to practice chiropractic medicine in another state, territory, or U.S. jurisdiction since 1979;
- Was actively practicing for the past 5 years; and
- Was never the subject of discipline for an offense that would violate Florida law.

Under current law, such individuals are not required to take the national exams, but the BOCM may impose reasonable restrictions on their license to ensure safe practice, including random audits of treatment records, appearances before the BOCM, or a requirement for written reports to the BOCM.¹²

⁷ Section 460.406(2), F.S.

⁸ Section 460.406(3), F.S.

⁹ Section 460.406(4), F.S.

¹⁰ Section 460.406(5), F.S.

¹¹ Section 460.4061, F.S.

¹² *Id.*

Accreditation of Chiropractic Schools, Colleges and Institutions

Counsel on Chiropractic Education (CCE)

The CCE was incorporated in 1971 as a non-profit, autonomous national accrediting organization for chiropractic programs within the United States. Accreditation is designed to provide assurances of educational quality and institutional integrity to governments, jurisdictional licensing and regulatory bodies, institutions, professional organizations, students, other accrediting agencies and the public at large.¹³

The CCE accredits 16 doctor of chiropractic degree programs at 19 locations within the United States. The CCE maintains recognition by the US-DOE as the national accrediting body for doctor of chiropractic programs and chiropractic solitary purpose institutions of higher education. The CCE is also recognized by the Council for Higher Education Accreditation (CHEA) and is a member of the Association of Specialized and Professional Accreditors (ASPA) and the CHEA International Quality Group (CIQG).¹⁴

Council on Higher Education Accreditation (CHEA)

The CHEA is a nongovernmental organization that also evaluates and recognizes accrediting agencies to ensure the academic quality of institutions and programs for higher education in the United States.¹⁵ There is significant overlap between accrediting agencies the US-DOE and CHEA recognize; however, the US-DOE limits its review to higher education that is related to federal student financial aid programs, whereas the CHEA will consider accreditation of all higher education.¹⁶ CHEA currently recognizes approximately 60 accrediting agencies for various higher education institutions and programs.¹⁷

United States Department of Education (US-DOE)

The Secretary of Education is required by statute¹⁸ to publish a list of nationally recognized accrediting agencies and associations which the Secretary determines to be reliable authorities as to the quality of training offered by educational institutions and programs. The National Advisory Committee on Accreditation and Institutional Eligibility assists the Secretary in determining which accrediting bodies should be listed. Accrediting bodies that achieve

¹³ The Council on Chiropractic Education, *History*, available at <http://www.cce-usa.org/history.html>, (last visited Mar. 26, 2019).

¹⁴ The Council on Chiropractic Education, *About the CCE*, available at <http://www.cce-usa.org/about.html>, (last visited Mar. 25, 2019).

¹⁵ Council for Higher Education Accreditation, *Accreditation & Recognition in the United States*, (November 15, 2015) available at <https://www.chea.org/accreditation-recognition-united-states> (last visited Mar. 26, 2019).

¹⁶ *Id.*

¹⁷ Council for Higher Education Accreditation, *CHEA- and USDE-Recognized Accrediting Organizations*, (Apr. 18, 2018), available at <https://www.chea.org/chea-and-usde-recognized-accrediting-organizations> (last visited Mar. 26, 2019).

¹⁸ See 20 U.S.C. s. 1099b, and 34 CFR s. 602.1 (2019), available at <https://www.law.cornell.edu/cfr/text/34/602.1>, (last visited Mar. 26, 2019). The US-DOE Secretary recognizes accrediting agencies to ensure that these agencies are, for the purposes of the Higher Education Act of 1965, as amended (HEA), or for other Federal purposes, reliable authorities regarding the quality of education or training offered by the institutions or programs they accredit. The Secretary lists an agency as a nationally recognized accrediting agency if the agency meets the criteria for recognition listed in subpart B.

recognition are reviewed at least every 4 years thereafter.¹⁹ Recognition by the Secretary does not extend to the approval or accreditation of any accreditor of foreign institutions or programs.²⁰

The commissions of the regional associations and the national institutional and specialized accrediting agencies which are recognized by the Secretary have no legal control over educational institutions or programs. They promulgate standards of quality or criteria of institutional excellence and approve or admit to membership those institutions that meet the standards or criteria. The CCE is an accrediting agency recognized by the Secretary of the US-DOE.²¹

Councils on Chiropractic Education International (CCEI)

The Councils on Chiropractic Education International (CCEI) was established in 2001 by the world's regional chiropractic accrediting agencies. These member agencies combined their efforts to collaborate for the purpose of assuring excellence and consistent quality improvement in chiropractic education through accreditation.²² The following chiropractic educational accrediting bodies are members in good standing of the CCEI:

- Council on Chiropractic Education Australasia (CCEA);
- European Council on Chiropractic Education (ECCE), and
- Council on Chiropractic Education Canada (CCEC).

The CCE is not currently a member of CCEI.²³ The CCEI is not an accrediting agency recognized by the Secretary of the US-DOE.²⁴

III. Effect of Proposed Changes:

SB 1242 removes the CCE as the accrediting entity for chiropractic colleges and schools and requires that accreditation must be from an accrediting agency recognized by the US-DOE. The CCE is currently the only chiropractic school or colleges accrediting entity recognized by the US-DOE.²⁵

¹⁹ See note 12.

²⁰ United States Department of Education, *Accreditation in the United States*, (last modified March 18, 2019) available at <https://www2.ed.gov/admins/finaid/accred/accreditation.html#Overview> (last visited Mar. 26, 2019).

²¹ *Id.*

²² The Councils on Chiropractic Education International, *About Us*, available at <https://www.cceintl.org/about-us>, (last visited Mar. 26, 2019).

²³ The Councils on Chiropractic Education International, *Frequently Asked questions*, available at: <https://www.cceintl.org/faqs>, (last visited Mar. 25, 2019).

²⁴ National Center for Education Statistics (NCES), *Accrediting Agencies and Associations Recognized by the Secretary, U.S. Department of Education*, available at <https://nces.ed.gov/pubs98/98300av2> (last visited Mar. 25, 2019). The NCES is the primary federal entity for collecting and analyzing data related to education.

²⁵ U.S. Department of Education, *Database of Accredited Postsecondary Institutions and Programs*, <https://ope.ed.gov/dapip/#/search-results> (last visited Mar. 15, 2019); Council on Chiropractic Education, *Accredited Doctor of Chiropractic Programs/Institutions*, <http://www.cce-usa.org/dcp-info.html> (last visited Mar. 15, 2019); The three Florida accredited institutions are the National University of Health Sciences, Palmer College of Chiropractic, and Keiser University.

The bill allows for certain foreign-educated chiropractic license applicants, and for foreign-educated applicants for a chiropractic faculty certificate, to satisfy the chiropractic education requirements with:

- A course of study leading to a degree in chiropractic from an institute of higher education outside of the United States that is approved by the BOCM as reasonably comparable to that of similar accredited institutions in the United States, based on information that includes evaluations by third parties with experience in evaluating the comparability of educational programs; and
- Undergraduate education located outside of the United States if the BOCM determines such education is reasonably comparable to education within the United States for a bachelor's degree from an accredited liberal arts college or university.

These changes would allow foreign-educated individuals to qualify for the licensure exam for chiropractic physicians. Additionally, foreign-trained chiropractic physicians will be able to qualify for chiropractic medicine faculty certificates, allowing them to practice while working at accredited chiropractic colleges in the state.

The bill also establishes licensure by endorsement for chiropractic physicians under certain circumstances. Specifically, the BOCM may grant an individual a license to practice chiropractic medicine in Florida if the applicant:

- Holds a valid license to practice chiropractic medicine in another state or territory of the United States;
- Has actively practiced chiropractic medicine in another state or territory of the U.S. for the last 10 years without having any disciplinary action taken against that license; and
- Meets all of the requirements for licensure in Florida except the national exam requirements.

Eligible applicants would not be required to take the national examination. Currently, ch. 460, F.S., allows restricted licenses without examination for certain chiropractic physicians but that section only applies to applicants before September 1, 1994.

The bill also makes multiple conforming changes and technical changes.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Foreign-trained chiropractic physicians may be eligible for licensure in Florida under SB 1242. This may result in an increase in the number of chiropractic physicians practicing in the state.

C. Government Sector Impact:

The DOH may incur costs associated with rulemaking to implement the changes in the bill, but those costs should be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 460.402, 460.403, 460.406, 460.4062, 460.4061, 460.4165, 460.4167, and 400.9905.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.