

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1627 Continuing Chiropractic Education  
**SPONSOR(S):** Professions & Public Health Subcommittee, Maggard  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1676

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Professions & Public Health Subcommittee	9 Y, 8 N, As CS	Morris	McElroy
2) Health Care Appropriations Subcommittee			
3) Health & Human Services Committee			

### SUMMARY ANALYSIS

Chapter 460, F.S., is the practice act for chiropractic medicine and sets the minimum requirements for safe practice in the state. The Board of Chiropractic Medicine (Board), under the Department of Health (DOH) enforces the practice act, including licensure, monitoring, and ensuring safe practice of chiropractic professionals.

Currently, chiropractic licensees are required to complete continuing education courses in a classroom setting. CS/HB 1627 repeals that requirement and requires the Board to approve continuing education courses offered in a distance learning format.

The bill authorizes continuing education courses to be taught by:

- Current faculty members or postgraduate level instructors of a chiropractic college or school, or a medical or osteopathic college;
- A person who holds a terminal degree with a minimum of three years of related practice and experience in the subject matter taught; or
- A person who holds a doctoral degree in chiropractic medicine with a minimum of three years of chiropractic practice and experience in the subject matter taught.

The bill prohibits the Board from requiring licensees to enroll only in preapproved continuing education courses and limiting the number or type of continuing education hours that may be completed through distance learning. The bill also authorizes the Board to rescind continuing education course approval and impose disciplinary action, if appropriate.

The bill has a negative, insignificant fiscal impact on DOH, which can be absorbed within current resources. The bill has no fiscal impact on local governments.

The bill provides an effective date of July 1, 2021.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Background**

##### Regulation and Licensure of Chiropractic Physicians

Chapter 460, F.S., is the practice act for chiropractic medicine and sets the minimum requirements for safe practice in the state. The Board of Chiropractic Medicine (Board), under the Department of Health (DOH) enforces the practice act, including licensure, monitoring, and ensuring safe practice of chiropractic professionals.<sup>1</sup>

To obtain a chiropractic physician license by examination, one must:<sup>2</sup>

- Submit a complete application and pay an application fee;
- Be at least 18 years of age;
- Have graduated from a chiropractic college accredited by the Council on Chiropractic Education or its predecessor agency;
- Have completed at least 3 years of residence college work prior to graduation, consisting of a minimum of 90 semester hours leading up to a bachelor's degree from an accredited college or university;<sup>3</sup>
- Pass the National Board of Chiropractic Examiners certification exams I, II, III, and IV and physiotherapy exam;
- Pass the Florida Laws and Rules Exam;<sup>4</sup> and
- Submit to background screening for criminal history.

Students in an accredited chiropractic college may practice chiropractic medicine without a license as part of their clinical training or under the direct supervision of a chiropractic physician as part of their course of study. Students in their final year of education at an accredited college may also apply for licensure and take all of the requisite exams, but must graduate before receiving their license.

##### *Continuing Education*

The board is tasked with approving continuing education courses.<sup>5</sup> The board is required to approve continuing education courses that are sponsored by chiropractic colleges whose graduates are eligible to take the national examination and the courses must build upon the basic courses required for the practice of chiropractic medicine.<sup>6</sup> The board is permitted to approve courses in adjunctive modalities. Furthermore, the board is directed to require licensees to periodically demonstrate their professional competence as a condition of license renewal by completing at least 40 classroom hours of continuing education every biennium.<sup>7</sup> The Board may provide exceptions to continuing education requirements in cases of emergency or hardship.<sup>8</sup>

##### Accreditation for Chiropractic Colleges

---

<sup>1</sup> Florida Department of Health, *Board of Chiropractic Medicine*, <https://floridaschiropracticmedicine.gov/> (last visited March 16, 2021).

<sup>2</sup> S. 460.406, F.S.

<sup>3</sup> 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 been granted a bachelor's degree based on 4 academic years of study from an accredited college.

<sup>4</sup> S. 456.017(6), F.S.; Rule 64B2-11.001(2), F.A.C.

<sup>5</sup> S. 460.408, F.S.

<sup>6</sup> S. 460.408(1), F.S.

<sup>7</sup> S.460.408(1), F.S. and 64B2-13.004, F.A.C.

<sup>8</sup> S. 460.408(2), F.S.

Chiropractic education generally includes a four-year doctoral graduate school program which includes classroom instruction and clinical training.<sup>9</sup> Licensure laws generally require chiropractic education from an accredited chiropractic college. Accreditation is a process for validating an educational program which involves an external peer review board developing evaluation criteria and evaluating a program's curriculum, faculty, services and operations, clinical competency, and research to determine if the program meets recognized standards.<sup>10</sup>

### *U.S. Department of Education*

The U.S. Department of Education (USDE) does not accredit individual higher educational programs, but instead recognizes accreditation agencies to evaluate the individual educational programs for purposes of participating in USDE's federal student aid programs.<sup>11</sup> Accreditation agencies are not required to apply for recognition with the USDE, but if an educational institution wants to participate in federal student aid programs and offer public financial aid to its students, it must be accredited by an agency which the USDE has recognized. Therefore, many accreditation agencies choose to apply for recognition with the USDE.<sup>12</sup> The USDE currently recognizes approximately 67 accreditation agencies.<sup>13</sup>

### *Council on Higher Education Accreditation*

The Council on Higher Education Accreditation (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.<sup>14</sup> There is significant overlap between accrediting agencies the USDE and CHEA recognize; however, the USDE limits its review to higher education related to federal student financial aid programs whereas the CHEA will consider accreditation of all higher education.<sup>15</sup> CHEA currently recognizes approximately 60 accrediting agencies for various higher education institutions and programs.<sup>16</sup>

### *Council on Chiropractic Education*

The Council on Chiropractic Education (CCE) is the only national organization recognized by the federal DOE or CHEA to accredit chiropractic education programs for its federal programs.<sup>17</sup> There are currently approximately 20 chiropractic colleges accredited by the CCE, three of which are in Florida.<sup>18</sup>

## **Effect of Proposed Changes**

### Continuing Education

---

<sup>9</sup> U.S. Department of Labor, Bureau of Labor Statistics, *Chiropractors*, <https://www.bls.gov/ooh/healthcare/chiropractors.htm#tab-4> (last visited March 19, 2021).

<sup>10</sup> U.S. Department of Education, *Overview of Accreditation in the United States*, <https://www2.ed.gov/admins/finaid/accred/accreditation.html#Overview> (last visited March 19, 2021).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> U.S. Department of Education, *Recognized Accrediting Agencies*, [https://www2.ed.gov/admins/finaid/accred/accreditation\\_pg5.html#NationallyRecognized](https://www2.ed.gov/admins/finaid/accred/accreditation_pg5.html#NationallyRecognized) (last visited March 19, 2021).

<sup>14</sup> Council for Higher Education Accreditation, *Accreditation & Recognition in the United States*, <https://www.chea.org/accreditation-recognition-united-states>

<sup>15</sup> *Id.*

<sup>16</sup> Council for Higher Education Accreditation, *CHEA- and USDE-Recognized Accrediting Organizations*, (Apr. 18, 2018), <https://www.chea.org/chea-and-usde-recognized-accrediting-organizations> (last visited March 19, 2021).

<sup>17</sup> *Supra* notes 13 and 16.

<sup>18</sup> U.S. Department of Education, *Database of Accredited Postsecondary Institutions and Programs*, <https://ope.ed.gov/dapip/#/search-results> (last visited March 19, 2021); Council on Chiropractic Education, *Accredited Doctor of Chiropractic Programs/Institutions*, <http://www.cce-usa.org/dcp-info.html> (last visited March 19, 2021); The 3 FL accredited institutions are the National University of Health Sciences, Palmer College of Chiropractic, and Keiser University.

CS/HB 1627 authorizes the Board to rescind continuing education course approval and impose disciplinary action, if appropriate. The bill repeals the requirement that chiropractic continuing education be completed in a classroom setting and requires the Board to approve continuing education courses offered in a distance learning format, which includes synchronous and asynchronous learning. The Board may not require licensees to enroll only in preapproved continuing education courses nor limit the number or type of continuing education hours that may be completed through distance learning.

The bill authorizes continuing education courses to be taught by:

- A current faculty member of a:
  - Chiropractic college or school approved by the board; or
  - Medical or osteopathic college or university accredited by the CHEA or its successor or the USDE.
- A postgraduate level instructor of a:
  - Chiropractic college or school approved by the Board; or
  - Medical or osteopathic college or university accredited by the agency recognized by the CHEA or its successor or the USDE.
- A person who holds a terminal degree<sup>19</sup> with a minimum of three years of related practice and experience in the subject matter taught; or
- A person who holds a doctoral degree in chiropractic medicine with a minimum of three years of chiropractic practice and experience in the subject matter taught.

The bill requires, rather than authorizes, the Board to adopt rules to implement the changes under the bill.

#### B. SECTION DIRECTORY:

- Section 1** Amends s. 460.408, F.S., relating to continuing chiropractic education.  
**Section 2** Provides an effective date of July 1, 2021.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

DOH will experience an increase in workload associated with any rulemaking needed to implement the bill and updating the Board's website, which current resources are adequate to absorb.<sup>20</sup>

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Licensees may incur a reduction in expenses associated with travel to a classroom setting to complete continuing education hours required for license renewal.

---

<sup>19</sup> A terminal degree is the highest degree that may be obtained in a course of study.

<sup>20</sup> Department of Health, Agency Analysis of 2021 House Bill 1627, p. 5 (March 16, 2021).

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill provides sufficient rulemaking authority for implementation by the Board.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On March 23, 2021, the Professions and Public Health Subcommittee adopted an amendment and reported the bill favorable as a committee substitute. The amendment removed the authority of the Board of Chiropractic Medicine to provide an exemption to continuing education requirements during a declared state of emergency in the state.

This analysis is drafted to the committee substitute as passed by the Professions and Public Health Subcommittee.