

CS FOR SENATE BILL NO. 69(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/7/16

Referred: Rules

Sponsor(s): SENATOR STOLTZE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Board of Chiropractic Examiners and the practice of**
2 **chiropractic."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 08.20.055 is amended to read:

5 **Sec. 08.20.055. Board regulations.** The board shall adopt [SUBSTANTIVE]
6 regulations necessary to effect the provisions of this chapter, including regulations
7 establishing standards for

8 (1) continuing education; [AND]

9 (2) the application, performance, and evaluation of chiropractic core
10 methodology;

11 **(3) the training, qualifications, scope of practice, and employment**
12 **of chiropractic interns and chiropractic preceptors;**

13 **(4) the designation of one or more nationally recognized**
14 **certification programs for chiropractic clinical assistants; and**

(5) the performance of patient examinations authorized under AS 08.20.100(b).

* **Sec. 2.** AS 08.20.100(b) is amended to read:

(b) A person licensed under this chapter may

(1) analyze, diagnose, or treat the chiropractic condition of a patient by chiropractic core methodology or by ancillary methodology;

(2) accept referrals for [CHIROPRACTIC] treatment **by chiropractic core methodology or by ancillary methodology;**

(3) consult on chiropractic matters;

(4) refer patients to other health care professionals;

(5) **perform**, [SIGN (A)] within the scope of chiropractic practice, [CERTIFICATES OF] physical examinations **of** [FOR] children **for school physical examinations and preparticipation physical examinations for sports and school activities** [BEFORE THEY ENTER SCHOOL];

(6) sign

(A) [(B)] reports for excuses from employment and from attendance at school or participation in sports activities; and

(B) [(C)] authorizations for sick leave;

(7) [(6)] perform preemployment and workplace health examinations;

(8) [(7)] provide disability and physical impairment ratings;

(9) [AND (8)] provide retirement health and disability authorizations and recommendations;

(10) employ nationally certified chiropractic clinical assistants;

and

(11) employ chiropractic interns and chiropractic preceptors.

* **Sec. 3.** AS 08.20.100 is amended by adding a new subsection to read:

(d) This section does not apply to a chiropractic intern who is acting within the scope of practice authorized by the board and is under the personal supervision of a licensed chiropractor.

* **Sec. 4.** AS 08.20.160 is amended to read:

Sec. 08.20.160. Temporary permits. Temporary permits may be issued to

1 [PERSONS APPARENTLY] qualified applicants until the next regular meeting of
2 the board.

3 * **Sec. 5.** AS 08.20 is amended by adding a new section to read:

4 **Sec. 08.20.168. Chiropractic clinical assistant.** (a) Enrollment in or
5 completion of a nationally recognized certification program under AS 08.20.055(4) is
6 required to practice as a chiropractic clinical assistant in this state.

7 (b) A person who meets the requirements under (a) of this section may, under
8 the general supervision of a person licensed under this chapter,

9 (1) perform diagnostic imaging studies;

10 (2) use ancillary methodologies; and

11 (3) perform procedures.

12 * **Sec. 6.** AS 08.20.185 is amended to read:

13 **Sec. 08.20.185. Utilization [PEER] review committee; confidentiality.** (a)
14 **The** [IN ADDITION TO PEER REVIEW AUTHORIZED UNDER AS 08.01.075,
15 **THE**] board may establish a utilization [PEER] review committee to review
16 complaints concerning the reasonableness or appropriateness of care provided, fees
17 charged, or costs for services rendered by a licensee to a patient. A review conducted
18 by a utilization [PEER] review committee under this section may be used
19 [UTILIZED] by the board in considering disciplinary action against a licensee, but the
20 results or recommendations of a utilization [PEER] review committee are not binding
21 on [UPON] the board. A member of a utilization [PEER] review committee
22 established under this section who in good faith submits a report under this section or
23 participates in an investigation or judicial proceeding related to a report submitted
24 under this section is immune from civil liability for the submission or participation.

25 (b) The board shall charge a complainant a fee, established under
26 AS 08.01.065, for utilization [PEER] review under this section.

27 (c) Patient records presented to a utilization [PEER] review committee for
28 review under this section that were confidential before their presentation to the
29 committee are confidential to the committee members and to the board members and
30 are not subject to inspection or copying under AS 40.25.110 - 40.25.125. A committee
31 member or board member to whom confidential records are presented under this

subsection shall maintain the confidentiality of the records. A person who violates this subsection is guilty of a class B misdemeanor.

* **Sec. 7.** AS 08.20 is amended by adding a new section to article 2 to read:

Sec. 08.20.195. Limitation of practice. A person licensed under this chapter or a person who is practicing as a chiropractic intern, chiropractic clinical assistant, or chiropractic preceptor under this chapter may only act within the scope of practice authorized by the board.

* **Sec. 8.** AS 08.20.200 is amended to read:

Sec. 08.20.200. Unlicensed practice [A MISDEMEANOR]. A person who practices chiropractic in the state without a license in violation of AS 08.20.100 is guilty of a class A misdemeanor and may be punished as provided in AS 12.55 [, AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000, OR BY IMPRISONMENT FOR NOT MORE THAN A YEAR, OR BY BOTH].

* **Sec. 9.** AS 08.20.210 is amended to read:

Sec. 08.20.210. Fraudulent licenses and certificates. A person who obtains or attempts to obtain a chiropractic license or provides the board with evidence that the person is nationally certified to practice as a chiropractic clinical assistant [CERTIFICATE] by dishonest or fraudulent means [,] or who forges, counterfeits, or fraudulently alters a chiropractic license or chiropractic clinical assistant certificate issued by a nationally recognized certification program is guilty of a class A misdemeanor and is punishable as provided in AS 12.55 [BY A FINE OF NOT MORE THAN \$500, OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BY BOTH].

* **Sec. 10.** AS 08.20.900(7) is amended to read:

(7) "chiropractic examination" means an examination of a patient conducted by [OR UNDER THE SUPERVISION OF] a person licensed under this chapter, or by a chiropractic clinical assistant or chiropractic intern under the supervision of a person licensed under this chapter, for the express purpose of ascertaining whether symptoms of subluxation complex exist and consisting of an analysis of the patient's health history, current health status, results of diagnostic

1 procedures including x-ray and other diagnostic imaging devices, and postural,
 2 thermal, physical, neuro-physical, and spinal examinations that focuses on the
 3 discovery of

4 (A) the existence and etiology of disrelationships of skeletal
 5 joint structures; and

6 (B) interference with normal nerve transmission and
 7 expression;

8 * **Sec. 11.** AS 08.20.900 is amended by adding new paragraphs to read:

9 (11) "chiropractic clinical assistant" means a person who works under
 10 the general supervision of a person licensed under this chapter and who is

11 (A) enrolled in a nationally recognized certification program
 12 that certifies chiropractic clinical assistants; or

13 (B) certified by a national organization that certifies
 14 chiropractic clinical assistants;

15 (12) "chiropractic intern" means a person who is engaged in the
 16 practice of chiropractic while under the personal supervision of a person licensed
 17 under this chapter for the purpose of obtaining practical experience for licensure as a
 18 chiropractor;

19 (13) "chiropractic preceptor" means a person who is licensed under
 20 this chapter and who participates in the instruction and training of chiropractic interns.