



LAWS OF ALASKA

1988

Source

HCS SB 264 (HESS) am H

Chapter No.

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AN ACT

Relating to the practice of chiropractic; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: May 26, 1988
Actual Effective Date: August 24, 1988, except for sec. 6,
which takes effect August 24, 1992

AN ACT

Relating to the practice of chiropractic; and providing
for an effective date.

* Section 1. FINDINGS. The legislature finds that chiropractic is a separate and distinct branch of the healing arts and that doctors of chiropractic are skilled and highly trained primary health care providers deserving of the same degree of responsibility, authority, and respect as other health care professionals.

* Sec. 2. AS 08.20.055 is amended to read:

Sec. 08.20.055. BOARD REGULATIONS. The board shall adopt substantive regulations necessary to effect the provisions of this chapter, including regulations establishing standards for

(1) continuing education; and

(2) the application, performance, and evaluation of chiropractic core methodology.

* Sec. 3. AS 08.20.100 is amended to read:

Sec. 08.20.100. PRACTICE OF CHIROPRACTIC [WITHOUT LICENSE PROHIBITED]. A person may not practice chiropractic or use chiropractic core methodology in the state without a license.

* Sec. 4. AS 08.20.100 is amended by adding new subsections 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;

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- (2) accept referrals for chiropractic treatment;
- (3) consult on chiropractic matters;
- (4) refer patients to other health care professionals;
- (5) sign

(A) within the scope of chiropractic practice, certifies of physical examinations for children before they enter school;

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

(C) authorizations for sick leave;

(6) perform preemployment and workplace health examinations;

(7) provide disability and physical impairment ratings; and

(8) provide retirement health and disability authorizations and recommendations.

(c) A person licensed under this chapter is not authorized to sign affidavits exempting school children from immunization requirements under AS 14.30.125 or to administer or interpret the results of infectious disease tests required by statute or regulation.

* Sec. 5. AS 08.20.120(a) is repealed and reenacted to read:

(a) An applicant shall be issued a license to practice chiropractic if the applicant

(1) has a high school education or its equivalent;

(2) has successfully completed at least two academic years of study in a college of liberal arts or sciences or has engaged in the active licensed practice of chiropractic for three of the four years preceding the filing of the application;

(3) is a graduate of a school or college of chiropractic that requires the completion of a minimum of 4,000 hours of formal

1 education and training in order to graduate, including

2 (A) 150 hours of chiropractic philosophy or princi-
3 ples;

4 (B) 1200 hours of basic sciences, including anatomy,
5 chemistry, physiology, and pathology;

6 (C) 1400 hours of preclinical technique, including
7 diagnosis, chiropractic technique, and x-ray; and

8 (D) 700 hours of clinical training;

9 (4) completes 120 hours of formal training in physiological
10 therapeutics;

11 (5) passes an examination given by the board; and

12 (6) passes, to the satisfaction of the board, the parts of
13 the examination of the National Board of Chiropractic Examiners re-
14 quired by the board.

15 * Sec. 6. AS 08.20.120(a) is repealed and reenacted to read:

16 (a) An applicant shall be issued a license to practice chiro-
17 practic if the applicant

18 (1) has a high school education or its equivalent;

19 (2) has successfully completed at least two academic years
20 of study in a college of liberal arts or sciences or has engaged in
21 the active licensed practice of chiropractic for three of the four
22 years preceding the filing of the application;

23 (3) is a graduate of a school or college of chiropractic
24 that

(A) is accredited by or a candidate for accredita-
tion by the Council on Chiropractic Education or a successor
accrediting agency recognized by the board; or

(B) if an accrediting agency under (A) of this
paragraph does not exist, requires the completion of a minimum of

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1 4,000 hours of formal education and training in order to gradu-
2 ate, including

3 (i) 150 hours of chiropractic philosophy or
4 principles;

5 (ii) 1200 hours of basic sciences, including
6 anatomy, chemistry, physiology, and pathology;

7 (iii) 1400 hours of preclinical technique, includ-
8 ing diagnosis, chiropractic technique, and x-ray; and

9 (iv) 700 hours of clinical training;

10 (4) completes 120 hours of formal training in physiological
11 therapeutics;

12 (5) passes an examination given by the board; and

13 (6) passes to the satisfaction of the board those parts of
14 the examination of the National Board of Chiropractic Examiners re-
15 quired by the board.

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

17 Sec. 08.20.155. PROFESSIONAL DESIGNATION. Notwithstanding the
18 provisions of AS 08.02.010 relating to specialist designations, a
19 person licensed under this chapter may not designate a specialty
20 unless the person has completed a postgraduate specialty program at an
21 accredited school approved by the board and the person has passed a
22 certification exam for the specialty approved by the board. All
23 specialty designations must include the term "chiropractic."

24 * Sec. 8. AS 08.20.170(a) is amended to read:

25 (a) The board may, after a hearing, impose a disciplinary sanc-
26 tion on a person licensed under this chapter when the board finds that
27 the licensee

28 (1) secured a license through deceit, fraud, or intentional
29 misrepresentation;

1 (2) engaged in deceit fraud, or intentional misrepresenta-
2 tion in the course of providing professional services or engaging in
3 professional activities;

4 (3) advertized professional services in a false or mislead-
5 ing manner;

6 (4) has been convicted of a felony or other crime which
7 affects the licensee's ability to continue to practice competently and
8 safely;

9 (5) intentionally or negligently engaged in or permitted
10 the performance of patient care by persons under the licensee's super-
11 vision which does not conform to minimum professional standards estab-
12 lished by regulation regardless of whether actual injury to the pa-
13 tient occurred;

14 (6) failed to comply with this chapter, with a regulation
15 adopted under this chapter, or with an order of the board;

16 (7) continued to practice after becoming unfit due to

17 (A) professional incompetence;

18 (B) addiction or severe dependency on alcohol or a
19 drug which impairs the licensee's ability to practice safely;

20 (C) physical or mental disability;

21 (8) engaged in lewd or immoral conduct in connection with
22 the delivery of professional service to patients; or

23 (9) failed to satisfy continuing education requirements
adopted by the board.

* Sec. 9. AS 08.20 is amended by adding a new section to read:

Sec. 08.20.230. PRACTICE OF CHIROPRACTIC. The practice of
chiropractic

(1) addresses ramifications of health and disease with a
special emphasis on biomechanical analysis, interpretation and

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1 treatment of the structural and functional integrity of skeletal joint
2 structures, and the physiological efficiency of the nervous system as
3 these matters relate to subluxation complex; and

4 (2) involves the diagnosis, analysis, or formulation of a
5 chiropractic diagnostic impression regarding the chiropractic condi-
6 tions of the patient to determine the appropriate method of chiro-
7 practic treatment.

8 * Sec. 10. AS 08.20 is amended by adding a new section to read:

9 Sec. 08.20.900. DEFINITIONS. In this chapter

10 (1) "ancillary methodology" means employing within the
11 scope of chiropractic practice, with appropriate training and educa-
12 tion, those methods, procedures, modalities, devices, and measures
13 commonly used by trained and licensed health care providers and in-
14 cludes

15 (A) physiological therapeutics; and

16 (B) counseling on dietary regimen, sanitary measures,
17 physical and mental attitudes affecting health, personal hygiene,
18 occupational safety, lifestyle habits, posture, rest, and work
19 habits that enhance the effects of chiropractic adjustment;

20 (2) "chiropractic" is the clinical science of human health
21 and disease that focuses on the detection, correction, and prevention
22 of the subluxation complex and the employment of physiological thera-
23 peutic procedures preparatory to and complementary with the correction
24 of the subluxation complex for the purpose of enhancing the body's
25 inherent recuperative powers, without the use of surgery or prescrip-
26 tion drugs; the primary therapeutic vehicle of chiropractic is chiro-
27 practic adjustment;

28 (3) "chiropractic adjustment" means the application of
29 precisely controlled force applied by hand or by mechanical device t
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1 a specific focal point of the anatomy for the express purpose of
2 creating a desired angular movement in skeletal joint structures in
3 order to eliminate or decrease interference with neural transmission
4 and correct or attempt to correct subluxation complex; "chiropractic
5 adjustment" utilizes, as appropriate, short lever force, high velocity
6 force, short amplitude force, or specific line-of-correction force to
7 achieve the desired angular movement, as well as low force neuro-
8 muscular, neuro-vascular, neuro-cranial, or neuro-lymphatic reflex
9 technique procedures;

10 (4) "chiropractic core methodology" means the treatment and
11 prevention of subluxation complex by chiropractic adjustment as indi-
12 cated by a chiropractic diagnosis and includes the determination of
13 contra-indications to chiropractic adjustment, the normal regimen and
14 rehabilitation of the patient, and patient education procedures;
15 chiropractic core methodology does not incorporate the use of pre-
16 scription drugs, surgery, needle acupuncture, obstetrics, or x-rays
17 used for therapeutic purposes;

18 (5) "chiropractic diagnosis" means a diagnosis made by a
19 person licensed under this chapter based on a chiropractic examina-
20 tion;

21 (6) "chiropractic examination" means an examination of a
22 patient conducted by or under the supervision of a person licensed
23 under this chapter for the express purpose of ascertaining whether
24 symptoms of subluxation complex exist and consisting of an analysis of
25 the patient's health history, current health status, results of diag-
26 nostic procedures including x-ray and other diagnostic imaging de-
27 vices, and postural, thermal, physical, neuro-physical, and spinal
28 examinations that focuses on the discovery of

(A) the existence and etiology of disrelationships of

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1 skeletal joint structures; and

2 (B) interference with normal nerve transmission and
3 expression;

4 (7) "manipulation" means an application of a resistive
5 movement by applying a nonspecific force without the use of a thrust,
6 that is directed into a region and not into a focal point of the
7 anatomy for the general purpose of restoring movement and reducing
8 fixations;

9 (8) "physiological therapeutics" means the therapeutic
10 application of forces that induce a physiologic response and use or
11 allow the natural processes of the body to return to a more normal
12 state of health; physiological therapeutics encompasses the diagnosis
13 and treatment of disorders of the body, utilizing

14 (A) manipulation;

15 (B) the natural healing forces associated with air,
16 cold, heat, electricity, exercise, light, massage, water, nutri-
17 tion, sound, rest, and posture;

18 (C) thermotherapy, cryotherapy, high frequency cur-
19 rents, low frequency currents, interferential currents, hydro-
20 therapy, exercise therapy, rehabilitative therapy, meridian
21 therapy, vibratory therapy, traction and stretching, bracing and
22 supports, trigger point therapy, and other forms of therapy;

23 (9) "subluxation complex" means a biomechanical or other
24 disrelation or a skeletal structural disrelationship, misalignment, or
25 dysfunction in a part of the body resulting in aberrant nerve trans-
26 mission and expression.

27 * Sec. 11. AS 14.30.070(a) is amended to read:

28 (a) The governing body of each school district shall provide for
29 and require a physical examination of every child attending school in
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1 the district. The examination shall be made when the child enters
2 school or, in areas where no physician resides, as soon thereafter as
3 is practicable, and thereafter at regular intervals considered advis-
4 able by the governing body of the district. For purposes of this
5 subsection, physical examinations, within the scope of chiropractic
6 practice, may be conducted by a chiropractor.

7 * Sec. 12. AS 14.30.120 is amended to read:

8 Sec. 14.30.120. CERTIFICATE OF PHYSICAL EXAMINATION. The school
9 board, when physical examinations are made, shall deliver to the
10 parent, guardian, or other person having the responsibility for or
11 control of the child a report signed by the physician or nurse making
12 the examination, specifying the findings with respect to the health
13 and physical well-being of the child. For purposes of this subsec-
14 tion, physician examinations, within the scope of chiropractic prac-
15 tice, may be conducted by a chiropractor.

16 * Sec. 13. AS 08.20.220 is repealed.

17 * Sec. 14. Section 6 of this Act takes effect four years after the ef-
18 fective date of sec. 5 of this Act.