

HOUSE BILL NO. 509

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE FOSTER

Introduced: 2/12/96

Referred: Health, Education and Social Services, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to chiropractic care and the evaluation of chiropractic care."

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

3 * **Section 1.** AS 08.20.100(a) is amended to read:

4 (a) A person may not practice chiropractic or use chiropractic core
5 methodology in the state without a license. A person who performs an independent
6 medical evaluation or examination relating to chiropractic care received in this
7 state from a person licensed under this chapter is considered to be practicing
8 chiropractic in this state, regardless of the person's or patient's location or
9 residence at the time of the examination or evaluation.

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

11 (b) A person licensed under this chapter may

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

14 (2) accept referrals for chiropractic treatment;

15 (3) except as provided in AS 08.20.165, consult on chiropractic

1 matters;

2 (4) refer patients to other health care professionals;

3 (5) sign

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

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

8 (C) authorizations for sick leave;

9 (6) perform preemployment and workplace health examinations;

10 (7) provide disability and physical impairment ratings; and

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

13 * **Sec. 3.** AS 08.20 is amended by adding new sections to read:

14 Sec. 08.20.165. LIMITATIONS ON CERTAIN TYPES OF CHIROPRACTIC
15 CONSULTANTS. (a) A person licensed under this chapter may not perform
16 independent medical evaluations or examinations, act as a consultant on chiropractic
17 matters for an admitted insurer under AS 21, state agency, managed care or health
18 maintenance organization, or a person or entity who self-insures or manages employees
19 with respect to employee health benefits, or advertise or announce in public or private
20 that the licensee engages in or provides health or insurance claims consulting or
21 independent medical evaluations or examinations unless the licensee has, within the
22 previous 12 months, filed with the board

23 (1) a notice that the licensee intends to consult on chiropractic matters;

24 (2) evidence that the licensee is in compliance with the board's
25 continuing education requirements;

26 (3) evidence of full-time chiropractic practice for the five years
27 preceding the filing, including evidence of the licensee's office hours during that time;
28 and

29 (4) a copy of the licensee's current business license.

30 (b) A licensee may not receive more than 50 percent of the licensee's annual
31 earned income from the performance of independent medical evaluations or

1 examinations.

2 (c) The compensation of a chiropractic consultant governed by this section
3 may not be based, in whole or in part, on a commission related to reduction of claims
4 about which the consultant provided evaluations, examinations, or other consultation
5 services.

6 (d) A person who violates this section is guilty of a misdemeanor and, upon
7 conviction, is punishable by a fine of not more than \$1,000 or by imprisonment for
8 not more than a year, or by both.

9 Sec. 08.20.166. LIABILITY FOR CERTAIN INDEPENDENT MEDICAL
10 EVALUATIONS. A person who performs an independent medical evaluation or
11 examination whose recommendations cause a significant alteration of the care rendered
12 to the patient, either by restricting the patient's access to money for the care or
13 otherwise, is considered to be acting in the capacity of the patient's attending health
14 care provider and is jointly and severally liable for civil damages that result from the
15 change in care.

16 * **Sec. 4.** AS 08.20.900 is amended by adding a new paragraph to read:

17 (11) "independent medical evaluation or examination" means an
18 evaluation or examination, either of a patient or of a patient's records, performed either
19 in this state or outside of this state by an individual retained by an admitted insurer,
20 state agency, managed care or health maintenance organization, or person who self-
21 insures or manages employees with respect to employee health benefits when the
22 purpose of the examination or evaluation is to determine the appropriateness or
23 necessity of chiropractic care recommended or rendered in this state to the patient by
24 a person licensed under this chapter or to determine the reasonableness of the fees
25 sought or paid for that care.