

CS FOR SENATE BILL NO. 69(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 2/10/16

Referred: Finance

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**

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

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

4 (b) A person licensed under this chapter may

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

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

9 (3) consult on chiropractic matters;

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

11 (5) **perform** [SIGN]

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

16 **(6) sign**

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

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

20 **(7)** [(6)] perform preemployment and workplace health examinations;

21 **(8)** [(7)] provide disability and physical impairment ratings;

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

24 **(10) employ nationally certified chiropractic clinical assistants;**

25 **and**

26 **(11) employ chiropractic interns and chiropractic preceptors.**

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

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

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

1 **Sec. 08.20.160. Temporary permits.** Temporary permits may be issued to
 2 [PERSONS APPARENTLY] qualified **applicants** until the next regular meeting of
 3 the board.

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

5 **Sec. 08.20.168. Chiropractic clinical assistant.** (a) A person shall furnish
 6 evidence satisfactory to the board that the person has completed a nationally
 7 recognized certification program under AS 08.20.055(4) to practice as a chiropractic
 8 clinical assistant in this state.

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

- 11 (1) perform diagnostic imaging studies;
- 12 (2) use ancillary methodologies; and
- 13 (3) perform procedures.

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

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

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

29 (c) Patient records presented to a **utilization** [PEER] review committee for
 30 review under this section that were confidential before their presentation to the
 31 committee are confidential to the committee members and to the board members and

1 are not subject to inspection or copying under AS 40.25.110 - 40.25.125. A committee
 2 member or board member to whom confidential records are presented under this
 3 subsection shall maintain the confidentiality of the records. A person who violates this
 4 subsection is guilty of a class B misdemeanor.

5 * **Sec. 7.** AS 08.20.200 is amended to read:

6 **Sec. 08.20.200. Unlicensed practice [A MISDEMEANOR].** A person who
 7 practices chiropractic in the state without a license in violation of AS 08.20.100 is
 8 guilty of a **class A** misdemeanor **and may be punished as provided in AS 12.55** [,
 9 AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN
 10 \$1,000, OR BY IMPRISONMENT FOR NOT MORE THAN A YEAR, OR BY
 11 BOTH].

12 * **Sec. 8.** AS 08.20.210 is amended to read:

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

21 * **Sec. 9.** AS 08.20.900(7) is amended to read:

22 (7) "chiropractic examination" means an examination of a patient
 23 conducted by [OR UNDER THE SUPERVISION OF] a person licensed under this
 24 chapter, **or by a chiropractic clinical assistant or chiropractic intern authorized**
 25 **by the board to conduct an examination under the supervision of a person**
 26 **licensed under this chapter,** for the express purpose of ascertaining whether
 27 symptoms of subluxation complex exist and consisting of an analysis of the patient's
 28 health history, current health status, results of diagnostic procedures including x-ray
 29 and other diagnostic imaging devices, and postural, thermal, physical, neuro-physical,
 30 and spinal examinations that focuses on the discovery of

31 (A) the existence and etiology of disrelationships of skeletal

1 joint structures; and

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

4 * **Sec. 10.** AS 08.20.900 is amended by adding new paragraphs to read:

5 (11) "chiropractic clinical assistant" means a person recognized by the
6 board as nationally certified who works under the general supervision of a person
7 licensed under this chapter;

8 (12) "chiropractic intern" means a person who is authorized by the
9 board to engage in the practice of chiropractic while under the personal supervision of
10 a person licensed under this chapter for the purpose of obtaining practical experience
11 for licensure as a chiropractor;

12 (13) "chiropractic preceptor" means a person who is licensed under
13 this chapter and is authorized by the board to participate in the instruction and training
14 of chiropractic interns.