

1 IN THE SENATE BY JOSEPHSON AND ABOOD

2 SENATE BILL NO. 264

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the practice of chiropractic; and
7 providing for an effective date."

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

9 * Section 1. FINDINGS. The legislature finds that chiropractic is a
10 separate and distinct branch of the healing arts and that doctors of chiro-
11 practic are skilled and highly trained primary health care providers de-
12 serving of the same degree of responsibility, authority, and respect as
13 other health care professionals.

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

15 Sec. 08.20.055. BOARD REGULATIONS. The board shall adopt sub-
16 stantive regulations necessary to effect the provisions of this chap-
17 ter, including regulations establishing standards for

18 (1) continuing education; and

19 (2) the application, performance, and evaluation of chiro-
20 practic core methodology.

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

22 Sec. 08.20.100. PRACTICE OF CHIROPRACTIC WITHOUT LICENSE PROHIB-
23 ITED. A person may not practice chiropractic or use chiropractic core
24 methodology in the state without a license.

25 * Sec. 4. AS 08.20.100 is amended by adding a new subsection to read:

26 (b) A person licensed under this chapter may

27 (1) analyse, diagnose, or treat the chiropractic condition
28 of a patient by chiropractic core methodology or by ancillary method-
29 ology;

- 1 (2) accept referrals for chiropractic treatment;
- 2 (3) consult on chiropractic matters;
- 3 (4) refer patients to other health care professionals;
- 4 (5) sign
 - 5 (A) health certificates;
 - 6 (B) reports of examinations of school children;
 - 7 (C) reports for excuses from employment and from
 - 8 attendance at school or gymnastics; and
 - 9 (D) authorizations for sick leave;
- 10 (6) perform preemployment and workplace health examina-
- 11 tions;
- 12 (7) provide disability and physical impairment ratings; and
- 13 (8) provide retirement authorizations and recommendations.

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 AS 08.20.120(a) is repealed and reenacted to read:

- 15 (a) An applicant shall be issued a license to practice chiro-
- 16 practic if the applicant
 - 17 (1) has a high school education or its equivalent;
 - 18 (2) has successfully completed at least two academic years
 - 19 of study in a college of liberal arts or sciences or has engaged in
 - 20 the active practice of chiropractic for three of the four years pre-
 - 21 ceding the filing of the application;
 - 22 (3) is a graduate of a school or college of chiropractic
 - 23 that requires the completion of a minimum of 4,000 hours of formal
 - 24 education and training in order to graduate, including
 - 25 (A) 150 hours of chiropractic philosophy or princi-
 - 26 ples;
 - 27 (B) 1200 hours of basic sciences, including anatomy,
 - 28 chemistry, physiology, and pathology;
 - 29 (C) 1400 hours of preclinical technique, including

- 1 diagnosis, chiropractic technique, and x-ray; and
2 (D) 700 hours of clinical training;
3 (4) completes 120 hours of formal training in physiological
4 therapeutics;
5 (5) passes an examination given by the board; and
6 (6) passes, to the satisfaction of the board, the parts of
7 the examination of the National Board of Chiropractic Examiners re-
8 quired by the board.

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

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

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

13 (2) has successfully completed at least two academic years
14 of study in a college of liberal arts or sciences or has engaged in
15 the active practice of chiropractic for three of the four years pre-
16 ceding the filing of the application;

17 (3) is a graduate of a school or college of chiropractic
18 that

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

22 (B) if an accrediting agency under (A) of this
23 paragraph does not exist, requires the completion of a minimum of
24 4,000 hours of formal education and training in order to gradu-
25 ate, including

26 (i) 150 hours of chiropractic philosophy or
27 principles;

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

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

3 (iv) 700 hours of clinical training;

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

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

7 (6) passes to the satisfaction of the board those parts of
8 the examination of the National Board of Chiropractic Examiners re-
9 quired by the board.

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

11 Sec. 08.20.155. PROFESSIONAL DESIGNATION. (a) Notwithstanding
12 the provisions of AS 08.02.010 relating to specialist designations, a
13 person licensed under this chapter may not designate a specialty
14 unless the person has completed a postgraduate specialty program at an
15 accredited school approved by the board and the person has passed a
16 certification exam for the specialty approved by the board. All
17 specialty designations must include the term "chiropractic."

18 (b) A person licensed under this chapter may use appropriate
19 designations for fellowships and honorary degrees received.

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

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

24 (1) secured a license through deceit, fraud, or intentional
25 misrepresentation;

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

29 (3) advertised professional services in a false or

1 misleading manner;

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

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

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

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

13 (A) professional incompetence;

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

16 (C) physical or mental disability;

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

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

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

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

24 (1) addresses all ramifications of health and disease but
25 with a special emphasis on biomechanical analysis, interpretation and
26 treatment of the structural and functional integrity of skeletal joint
27 structures, and the physiological efficiency of the nervous system as
28 these matters relate to subluxation complex; and

29 (2) involves the diagnosis, analysis, or formulation of a

1 chiropractic diagnostic impression regarding the chiropractic condi-
2 tions of the patient to determine the appropriate method of chiro-
3 practic treatment.

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

5 Sec. 08.20.900. DEFINITIONS. In this chapter

6 (1) "ancillary methodology" means those methods, proce-
7 dures, modalities, devices, and measures commonly used by trained and
8 licensed health care providers and includes

9 (A) physiological therapeutics; and

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

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

22 (3) "chiropractic adjustment" means the application of a
23 precisely controlled force applied by hand or by mechanical device to
24 a specific focal point of the anatomy for the express purpose of
25 creating a desired angular movement in skeletal joint structures in
26 order to eliminate or decrease interference with neural transmission
27 and correct or attempt to correct subluxation complex; "chiropractic
28 adjustment" utilizes, as appropriate, short lever force, high velocity
29 force, short amplitude force, or specific line-of-correction force to

1 achieve the desired angular movement, as well as low force neuro-
2 muscular, neuro-vascular, neuro-cranial, or neuro-lymphatic reflex
3 technique procedures;

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

12 (5) "chiropractic diagnosis" means a diagnosis made by a
13 person licensed under this chapter based on a chiropractic examina-
14 tion;

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

23 (A) the existence and etiology of disrelationships of
24 skeletal joint structures; and

25 (B) interference with normal nerve transmission and
26 expression;

27 (7) "manipulation" means an application of a resistive
28 movement by applying a nonspecific force without the use of a thrust,
29 that is directed into a region and not into a focal point of the

1 anatomy for the general purpose of restoring movement and reducing
2 fixations;

3 (8) "physiological therapeutics" means the therapeutic
4 application of forces and substances that induce a physiologic re-
5 sponse and use or allow the natural processes of the body to return to
6 a more normal state of health; physiological therapeutics encompasses
7 the diagnosis and treatment of disorders of the body, utilizing

8 (A) manipulation;

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

12 (C) thermotherapy, cryotherapy, high frequency cur-
13 rents, low frequency currents, interferential currents, hydro-
14 therapy, exercise therapy, rehabilitative therapy, meridian
15 therapy, vibratory therapy, traction and stretching, bracing and
16 supports, trigger point therapy, and other forms of therapy;

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

21 * Sec. 11. AS 08.84.160 is amended to read:

22 Sec. 08.84.160. PRACTICE OF LICENSED PHYSICAL THERAPIST. This
23 chapter does not authorize a [ANY] person to practice medicine, oste-
24 opathy, chiropractic as defined in AS 08.20.900 [AS 08.20.220], or
25 other method of healing, but only to practice physical therapy as
26 defined in AS 08.84.190(3).

27 * Sec. 12. AS 09.55.536 is amended by adding a new subsection to read:

28 (i) Notwithstanding (a) of this section, in an action for dam-
29 ages due to personal injury or death attributed to the application of

1 chiropractic core methodology by a person licensed under AS 08.20,
2 when the parties have not agreed to arbitration of the claim under
3 AS 09.55.535, the court shall appoint a three-person expert advisory
4 panel comprised of persons licensed under AS 08.20. The court shall
5 make the appointment within 20 days after filing of the answer to a
6 summons and complaint. This subsection does not apply if the court
7 decides that an expert advisory opinion is not necessary for a deci-
8 sion in the case.

9 * Sec. 13. AS 08.20.220 is repealed.

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