

Original sponsors: Josephson, Abood,
and Fischer

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 264 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND 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 PRO-
23 HIBITED]. A person may not practice chiropractic or use chiropractic
24 core methodology in the state without a license.

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

26 (b) A person licensed under this chapter may

27 (1) analyze, 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) certificates of physical examinations for children
6 before they enter school;
7 (B) reports for excuses from employment and from
8 attendance at school or participation in sports activities; and
9 (C) 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 health and disability authorizations
14 and recommendations.

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

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 AS 08.20.120(a) is repealed and reenacted to read:

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

- 22 (1) has a high school education or its equivalent;
23 (2) has successfully completed at least two academic years
24 of study in a college of liberal arts or sciences or has engaged in
25 the active licensed practice of chiropractic for three of the four
26 years preceding the filing of the application;
27 (3) is a graduate of a school or college of chiropractic
28 that requires the completion of a minimum of 4,000 hours of formal
29 education and training in order to graduate, including

- 1 (A) 150 hours of chiropractic philosophy or princi-
2 ples;
3 (B) 1200 hours of basic sciences, including anatomy,
4 chemistry, physiology, and pathology;
5 (C) 1400 hours of preclinical technique, including
6 diagnosis, chiropractic technique, and x-ray; and
7 (D) 700 hours of clinical training;
8 (4) completes 120 hours of formal training in physiological
9 therapeutics;
10 (5) passes an examination given by the board; and
11 (6) passes, to the satisfaction of the board, the parts of
12 the examination of the National Board of Chiropractic Examiners re-
13 quired by the board.

14 * Sec. 6. 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 licensed practice of chiropractic for three of the four
21 years preceding the filing of the application;
22 (3) is a graduate of a school or college of chiropractic
23 that
24 (A) is accredited by or a candidate for accredita-
25 tion by the Council on Chiropractic Education or a successor
26 accrediting agency recognized by the board; or
27 (B) if an accrediting agency under (A) of this
28 paragraph does not exist, requires the completion of a minimum of
29 4,000 hours of formal education and training in order to

- 1 graduate, including
- 2 (i) 150 hours of chiropractic philosophy or
- 3 principles;
- 4 (ii) 1200 hours of basic sciences, including
- 5 anatomy, chemistry, physiology, and pathology;
- 6 (iii) 1400 hours of preclinical technique, includ-
- 7 ing diagnosis, chiropractic technique, and x-ray; and
- 8 (iv) 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 those parts of
- 13 the examination of the National Board of Chiropractic Examiners re-
- 14 quired by the board.

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

16 Sec. 08.20.155. PROFESSIONAL DESIGNATION. Notwithstanding the

17 provisions of AS 08.02.010 relating to specialist designations, a

18 person licensed under this chapter may not designate a specialty

19 unless the person has completed a postgraduate specialty program at an

20 accredited school approved by the board and the person has passed a

21 certification exam for the specialty approved by the board. All

22 specialty designations must include the term "chiropractic."

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

24 (a) The board may, after a hearing, impose a disciplinary sanc-

25 tion on a person licensed under this chapter when the board finds that

26 the licensee

27 (1) secured a license through deceit, fraud, or intentional

28 misrepresentation;

29 (2) engaged in deceit, fraud, or intentional

1 misrepresentation in the course of providing professional services or
2 engaging in professional activities;

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

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

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

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

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

16 (A) professional incompetence;

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

19 (C) physical or mental disability;

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

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

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

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

27 (1) addresses ramifications of health and disease with a
28 special emphasis on biomechanical analysis, interpretation and treat-
29 ment of the structural and functional integrity of skeletal joint

1 structures, and the physiological efficiency of the nervous system as
2 these matters relate to subluxation complex; and

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

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

8 Sec. 08.20.900. DEFINITIONS. In this chapter

9 (1) "ancillary methodology" means employing within the
10 chiropractic practice those methods, procedures, modalities, devices,
11 and measures commonly used by trained and licensed health care pro-
12 viders and includes

13 (A) physiological therapeutics; and

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

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

26 (3) "chiropractic adjustment" means the application of a
27 precisely controlled force applied by hand or by mechanical device to
28 a specific focal point of the anatomy for the express purpose of
29 creating a desired angular movement in skeletal joint structures in

1 order to eliminate or decrease interference with neural transmission
2 and correct or attempt to correct subluxation complex; "chiropractic
3 adjustment" utilizes, as appropriate, short lever force, high velocity
4 force, short amplitude force, or specific line-of-correction force to
5 achieve the desired angular movement, as well as low force neuro-
6 muscular, neuro-vascular, neuro-cranial, or neuro-lymphatic reflex
7 technique procedures;

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

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

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

27 (A) the existence and etiology of disrelationships of
28 skeletal joint structures; and

29 (B) interference with normal nerve transmission and

1 expression;

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

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

12 (A) manipulation;

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

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

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

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

26 (a) The governing body of each school district shall provide for
27 and require a physical examination of every child attending school in
28 the district. The examination shall be made when the child enters
29 school or, in areas where no physician resides, as soon thereafter as

1 is practicable, and thereafter at regular intervals considered advis-
2 able by the governing body of the district. For purposes of this
3 subsection, physical examinations may be conducted by a chiropractor.

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

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

12 * Sec. 13. AS 08.20.220 is repealed.

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