

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	CSSB 69(FIN)
Fiscal Note Number:	2
(S) Publish Date:	4/7/2016

Identifier: SB069CS(FIN)-DCCED-CBPL-04-06-16
 Title: BD OF CHIROPRACTIC EXAMINERS; PRACTICE
 Sponsor: STOLTZE
 Requester: (S) Finance

Department: Department of Commerce, Community and Economic Development
 Appropriation: Corporations, Business and Professional Licensing
 Allocation: Corporations, Business and Professional Licensing
 OMB Component Number: 2360

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017	Included in	Out-Year Cost Estimates					
	Appropriation Requested	Governor's FY2017 Request	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES	FY 2017	FY 2017						
Personal Services								
Travel								
Services	2.5							
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	2.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

1156 Rcpt Svcs	2.5							
Total	2.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues	2.5							
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
 If yes, by what date are the regulations to be adopted, amended or repealed? 07/01/17

Why this fiscal note differs from previous version:

Updated to reflect change in expenditures based on current committee substitute, updated analysis.

Prepared By: Janey Hovenden, Division Director
 Division: Corporations, Business and Professional Licensing
 Approved By: Catherine Reardon, Director
 Agency: Division of Administrative Services

Phone: (907)465-2536
 Date: 04/06/2016 11:30 AM
 Date: 04/06/16

**REPORTED OUT OF
SFC 04/07/2016**

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Analysis

CSSB69(FIN) amends the statutes pertaining to the practice of chiropractic in the state, adding chiropractic interns, chiropractic preceptors, and chiropractic assistants. The bill also adds to the scope of practice of chiropractors the performance of physical examinations for school and sports programs. It increases the penalty for unlicensed practice and use of fraudulent licenses and certificates to Class A misdemeanors.

This bill allows chiropractors to employ nationally certified chiropractic assistants, chiropractic interns, and chiropractic preceptors.

The bill expands the ability of chiropractic physicians to perform school and pre-performance sports physicals, increasing that activity from chiropractic examinations.

A significant increase in the penalty for unlicensed practice and the use or attempt to obtain a fraudulent license is included in this bill. The penalties go up, from \$1000 and \$500, respectively, to \$10,000.

Regulations are required so that the department may set fees under AS 08.01.065.

If the bill passes the following expenses will be incurred:

Services: \$2.5 (one-time legal cost to amend regulations, printing, and postage)

Professional licensing programs at CBPL are funded by Receipt Supported Services fund source 1156 Rcpt Svcs (DGF). Licensing fees for each program are set per AS 08.01.065 so the revenue collected approximately equals the occupation's regulatory costs.

ALASKA STATE LEGISLATURE

Chair:
Senate State Affairs Committee

Member:
Resources Committee
Health & Social Services Committee
Finance Subcommittees on:
Department of Fish and Game
Department of Administration
Department of Public Safety



BILL STOLTZE
STATE SENATOR
Senator.Bill.Stoltze@akleg.gov

Session:
Alaska State Capitol, Rm 125
Juneau, AK 99801-1182
Phone: (907) 465-4958
Fax: (907) 465-4928

District:
600 E. Railroad Ave.
Wasilla, AK 99654
Phone: (907) 376-4958
Fax: (907) 376-4928

Toll Free: 1-866-465-4958

Sponsor Statement for CS for Senate Bill 69 (FIN)

By Senator Bill Stoltze

“An Act relating to the Board of Chiropractic Examiners and the practice of chiropractic.”

Healthcare and wellness have developed and progressed over the years, and patient preferences have changed along with them. In some cases, state laws have not kept up with this progress. Senate Bill 69 endeavors to update and clarify the statutes guiding chiropractic care in Alaska.

SB 69 addresses training and utilization of chiropractic clinical assistants, preceptors, and interns; strengthens current law allowing chiropractors to perform school physicals; revises penalties for fraudulent practices; and updates definitions and modernizes terminology.

SB 69 makes timely changes to our statutes guiding chiropractic care, resulting in chiropractic physicians being able to treat patients more efficiently and affordably.

DISTRICT F

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KNIK RIVER ROAD • LAZY MOUNTAIN • GATEWAY • PETERS CREEK

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Sectional Analysis for CS for Senate Bill 69 (FIN) ver. S

By Senator Bill Stoltze

“An Act relating to the Board of Chiropractic Examiners and the practice of chiropractic.”

Section 1: Amends AS 08.20.055 by adding new language that allows the board to adopt regulations for the following:

- Training and scope of practice of chiropractic interns and chiropractic preceptors;
- Designation of a nationally recognized certification program for chiropractic clinical assistants;
- Performance of patient examinations.

Section 2: Amends AS 08.20.100(b) clarifying how chiropractors can accept referrals, authorizes chiropractors to perform school physicals, and allows the employment of certified chiropractic clinical assistants, chiropractic interns, and chiropractic preceptors.

Section 3: Amends AS 08.20.100 by adding a new subsection (d) that exempts chiropractic interns from this section.

Section 4: Amends AS 08.20.160 regarding the requirements for temporary permits.

Section 5: Amends AS 08.20 by adding a new section (AS 08.20.168 Chiropractic clinical assistant) providing qualifications and allowed duties of chiropractic clinical assistants.

Section 6: Amends 08.20.185 by changing name of “peer review committee” to “utilization review committee” to better reflect the purpose of the committee. Also, the change is intended to assist in determining what complaints warrant a referral to investigative staff.

Section 7: Amends AS 08.20 by adding a new section (AS 08.20.195 Limitation of practice) requiring chiropractic clinical assistants, interns, and preceptors to act within the scope of practice as authorized by the board of chiropractic examiners.

Section 8: Amends AS 08.20.200 by updating penalties for unlicensed practice.

Section 9: Amends AS 08.20.210 by updating penalties for fraudulent licenses and certificates.

Section 10: Amends definition of "chiropractic examination" located in AS 08.20.900(7).

Section 11: Amends AS 08.20.900 by adding new definitions for "chiropractic clinical assistant," "chiropractic intern," and "chiropractic preceptor."

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Explanation of Changes for CS for Senate Bill 69 (FIN) *By Senator Bill Stoltze*

“An Act relating to the Board of Chiropractic Examiners and the practice of chiropractic.”

CHANGES FROM VERSION A TO VERSION E

- Section 1, page 1, lines 11 – 14: allows the board of chiropractic examiners to designate a nationally recognized certification program for chiropractic clinical assistants.
- Section 2, page 2, line 12: reinstates provision requiring chiropractors to perform physical examinations “within the scope of practice.”
- Section 2, page 2, lines 24 – 26: clarifies chiropractic clinical assistants, interns, and preceptors to be nationally certified.
- Section 5, page 3, line 5: amends by adding national certification requirement for chiropractic clinical assistants.

CHANGES FROM VERSION E TO VERSION S:

- Section 5, Page 3, Line 4: Amends qualifications for chiropractic clinical assistants to include *enrollment* in a nationally recognized certification program. Previous version only allowed those chiropractic clinical assistants who had *completed* a national certification program.

- Section 7, page 4, line 3: Adds new section requiring that chiropractic clinical assistants, preceptors, and interns may only act within the scope of practice as authorized by the board of chiropractic examiners.
- Section 10, page 4, line 28: Removes the phrase “authorized by the board to conduct an examination” to conform to definitions provided in Section 11.
- Section 11, page 5, line 9, line 15, and line 20: Removes reference of being recognized or authorized by the board of chiropractic examiners for definitions of chiropractic clinical assistant, chiropractic intern, and chiropractic preceptor. Qualifications are met by licensing requirements for preceptors and interns, and enrollment/completion of national certification organization for chiropractic clinical assistants.

Sheri Ryan
Executive Administrator



PO Box 111507
Anchorage, AK 99511-1507

(907) 903-1350
(907) 770-3790
sryan@akchiro.org
akchiro.org

To Whom It May Concern:

My name is Dr. Walter Campbell. I am a Doctor of Chiropractic and a lifelong resident of Alaska.

I am an owner of 18 chiropractic clinics statewide, 6 physical therapy clinics, as well as 4 other multi-disciplinary clinics in Washington state. I am also serving my second term on the Alaska Board of Chiropractic Examiners.

I am writing in support of SB69 sponsored by Senator Bill Stolze, both in my capacity as a Board member and as a practicing Doctor of Chiropractic/business owner. I have directly experienced several critical situations in my practice that would be alleviated by the clarifications this bill offers. One of particular interest to me, is clarifying the ability of a Doctor of Chiropractic to perform school athletics screenings/physicals.

Currently, not only does chiropractic statute allow a Chiropractic Physician to perform physicals for children entering schools, but also pre-employment and workplace health examinations, as well as disability and impairment ratings. Current chiropractic statute allows chiropractic physicians to authorize excuses from employment and from attendance at school or participation in sports activities. Chiropractic physicians can perform Department of Transportation (DOT) physicals as well.

The education and training required for chiropractors more than encompasses the needed clinical reasoning skills to provide the assessment and diagnosis of the potential conflicts for children participating in sports activities. While the primary aspect of a chiropractic practice is diagnosing and treating musculoskeletal conditions, a chiropractor's ability to screen and diagnose all conditions, even those that are obscure or outside the scope of practice for treatment, are thoroughly taught in his or her schooling and tested through both national as well as state credentialing. Chiropractors, as any portal of entry general practitioner, can and are required to make referrals to any specialist when needed.

I'm sure all of the above will be covered at length in this hearing, however, I would like my comments to reflect the aspects that are sometimes overlooked in matters of this nature, and what I feel I may be particularly qualified to speak on, and that is how this proposed clarification to the law would affect the practice and application in rural Alaska. This is quite important to me, as I have grown up in rural Alaska,

graduating Barrow High in 1993, where I was a high school athlete, and where I now own a Chiropractic and Physical Therapy clinic. In fact I have either a chiropractic or physical therapy clinic, or both, in Barrow, Kotzebue, Nome, Dillingham, Bethel, Unalaska/Dutch Harbor, Delta Junction, Valdez, and Sitka. You'll note the majority of those are towns of 5,000 people or less, and most are not on the road system. While I have experience and own clinics in more populated areas, these areas would see immediate benefit from this law being clarified, so that is what I am speaking on, and why it is so important to me, personally.

Heretofore, we have been solicited routinely to provide this service for local schools. In some cases we have been contracted by the schools and have provided the service to the entire student body of potential athletes. In other cases, coaches and students have reached out to us to provide these services, only to have a district official deny the student and their family the ability to get a valid physical exam if a Chiropractor had performed it.

Very simply, bush medicine is underserved in most cases, most all of us, who have lived or worked there can agree on that. We provide an alternative for a variety of services, that many patients want. In this case, concerning school sports physicals, that students and schools want, and have asked for. When asked and allowed to, we deliver a quality product from qualified doctors. The law does NOT prohibit this now, however, certain groups will not accept these physicals and site the vague language in the current legislation as the reason why. Senator Stolze's finely worded bill, addresses this in a common sense way, with the weight of the current law (which, according to one AG, states we can do this now), and a competent understanding of the training and schooling of chiropractic physicians. Like the rest of his bill, this language seeks simply to clarify this issue. It would lead to much immediate benefit being realized in rural school athletics, as well as a general acknowledgement of the competency of a well trained and educated, and if I may say so, well regulated, profession.

Thank you sincerely for your time and consideration on this issue. I hope my comments have provided some worthwhile insight, and if I can be of any further assistance, please do not hesitate to call on me.

Yours in health,

Dr Walter Campbell
Arctic Chiropractic
Arctic Rehabilitation and Physical Medicine
wlcampbell@aol.com



PALMER

College of Chiropractic

Office of the Chancellor

January 22, 2015

Ms. Debbie Ryan
Executive Director
Alaska Chiropractic Society
PO Box 111507
Anchorage, AK 99511-1507

RE: Pre-participation physicals

Dear Ms. Ryan,

I'm writing today to provide you with information about our program at Palmer College of Chiropractic with respect to sports pre-participation physicals.

Chiropractors in general, and Palmer graduates specifically, are highly skilled in providing comprehensive health examinations. The Palmer College of Chiropractic Doctor of Chiropractic program curriculum is a five-academic-year post-graduate program including 4,620 total contact hours of instruction. Of these contact hours, 570 are in diagnosis, 300 in radiology procedures and interpretation, and 945 in practical clinical experience in the Palmer Chiropractic Clinic system.

Palmer's curriculum produces professionals who are highly trained and experienced in assessment and diagnosis as well as clinical-reasoning skills -- and are eligible for licensure in all 50 states. Palmer's D.C. curriculum is accredited by the Council on Chiropractic Education, the recognized accrediting body for the chiropractic profession. All three of our campuses are regionally accredited by the Higher Learning Commission and are members of the North Central Association.

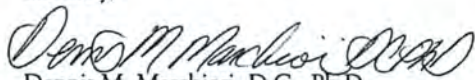
Palmer College of Chiropractic's main campus is located in Davenport, Iowa. All Iowa high school students participating in sports are required to obtain a pre-participation physical examination. All Iowa school districts in the Quad Cities approve pre-participation physical examinations provided by chiropractors. Our two outpatient clinics in the Quad Cities offer sports physicals throughout the school year with a special push at the beginning of each school year, and have provided 1,887 of these physicals during the last three years. This past calendar year our Quad-Cities clinics have provided more than 630 sports physicals. Many parents have commented that these pre-participation physical examinations are the most comprehensive their children have ever received.

Doctors of Chiropractic are included as eligible health care providers to provide physical examinations by the United States Department of Transportation (DOT). In fact, two faculty clinicians at the Palmer Chiropractic Clinics in the Quad Cities (Davenport and Bettendorf, Iowa, and Moline and Rock Island, Ill.) are listed on the National registry as certified to provide DOT "Fit for Duty" physical exams.

The DOT physical is a comprehensive evaluation covering all systems of the body, including a comprehensive health history and review along with a urinalysis screening. All of these examination aspects are taught and tested as part of Palmer's Doctor of Chiropractic curriculum, in both the academic and clinical portion of the education.

If you need additional information, please don't hesitate to contact me.

Sincerely,


Dennis M. Marchiori, D.C., Ph.D.
Chancellor

Davenport Campus
1000 Brady Street
Davenport, IA 52803

Port Orange Campus
4777 City Center Parkway
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San Jose Campus
90 East Tasman Drive
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October 31, 2014

Re: athletic participation physical exams

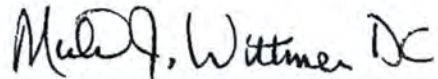
To Whom It May Concern:

As part of the curriculum, the College of Chiropractic students are taught physical examination. As such, in the state of Missouri, Doctors of Chiropractic provide pre-participation physical exams for athletics and back-to-school exams as well employment and general physicals.

Within the University clinic system, over 3000 sports physicals are given to grade school, junior and senior high school students each year.

If you have require additional information, please do not hesitate to contact me.

Sincerely,



Michael J. Wittmer, D.C.
Chief of Staff
Logan University
College of Chiropractic Health Centers



UNIVERSITY of WESTERN STATES
Integrating Health and Science

January 20, 2015

Ms. Sherri Ryan
Executive Administrator
Alaska Chiropractic Association

Re: Pre-participation physical exams for athletes

Dear Ms. Ryan,

The doctor of chiropractic program at the University of Western States fully prepares students and interns for portal of entry status in the health care field including physical diagnoses, orthopedic, neurological diagnosis and sports medicine specific diagnosis. In fact, in these areas our students will have experienced more hours than typical medical, nursing, physician assistant, or athletic training students, rendering them fully capable of performing complete, or athlete specific physical examination.

Should you have further questions regarding the training of chiropractic physicians at UWS, feel free to contact me anytime.

Yours truly,

A handwritten signature in black ink, appearing to read 'Marion Willard Evans', with a long, sweeping flourish extending to the right.

Marion Willard Evans, DC, PhD, MCHES
Provost and Executive Vice-president