
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1362 Session of
1985

Report of the Committee of Conference

To the Members of the House of Representatives and Senate:

We, the undersigned, Committee of Conference on the part of the House of Representatives and Senate for the purpose of considering House Bill No. 1362, entitled:

"An act providing for the licensing of chiropractors and the regulation of the practice of chiropractic; establishing the State Board of Chiropractic ~~Examiners~~ in the Department of State and providing for its powers and duties; providing for the supervision of ~~schools~~ COLLEGES of chiropractic, for the examination of applicants, for enforcement and for disciplinary actions; providing penalties; and making repeals,"

respectfully submit the following bill as our report:

WILLIAM R. LLOYD, JR.

GORDON J. LINTON

MARVIN E. MILLER, JR.

(Committee on the part of the House of Representatives.)

JAMES J. RHOADES

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(Committee on the part of the Senate.)

AN ACT

Providing for the licensing of chiropractors and the regulation of the practice of chiropractic; establishing the State Board of Chiropractic in the Department of State and providing for its powers and duties; providing for the supervision of colleges of chiropractic, for the examination of applicants, for enforcement and for disciplinary actions; providing penalties; and making repeals.

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22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 CHAPTER 1

25 PRELIMINARY PROVISIONS

26 Section 101. Short title.

27 This act shall be known and may be cited as the Chiropractic
28 Practice Act.

29 Section 102. Definitions.

30 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Adjunctive procedures." Physical measures such as
4 mechanical stimulation, heat, cold, light, air, water,
5 electricity, sound, massage and mobilization.

6 "Board." The State Board of Chiropractic.

7 "Bureau." The Bureau of Professional and Occupational
8 Affairs.

9 "Chiropractic." A branch of the healing arts dealing with
10 the relationship between the articulations of the vertebral
11 column, as well as other articulations, and the neuro-musculo-
12 skeletal system and the role of these relationships in the
13 restoration and maintenance of health. The term shall include
14 systems of locating misaligned or displaced vertebrae of the
15 human spine and other articulations; the examination preparatory
16 to the adjustment or manipulation of such misaligned or
17 displaced vertebrae and other articulations; the adjustment or
18 manipulation of such misaligned or displaced vertebrae and other
19 articulations; the furnishing of necessary patient care for the
20 restoration and maintenance of health; and the use of board-
21 approved scientific instruments of analysis, including X-ray.
22 The term shall also include diagnosis, provided that such
23 diagnosis is necessary to determine the nature and
24 appropriateness of chiropractic treatment; the use of adjunctive
25 procedures in treating misaligned or dislocated vertebrae or
26 articulations and related conditions of the nervous system,
27 provided that, after January 1, 1988, the licensee must be
28 certified in accordance with this act to use adjunctive
29 procedures; and nutritional counseling, provided that nothing
30 herein shall be construed to require licensure as a chiropractor

1 in order to engage in nutritional counseling. The term shall not
2 include the practice of obstetrics or gynecology, the reduction
3 of fractures or major dislocations, or the use of drugs or
4 surgery.

5 "Chiropractor." A practitioner of chiropractic.

6 "Commissioner." The Commissioner of Professional and
7 Occupational Affairs.

8 "Department." The Department of State of the Commonwealth.

9 CHAPTER 3

10 STATE BOARD OF CHIROPRACTIC

11 Section 301. State Board of Chiropractic.

12 (a) Establishment and composition.--There is hereby
13 established within the Department of State the State Board of
14 Chiropractic. The board shall consist of nine members as
15 follows:

16 (1) The commissioner.

17 (2) The Director of the Bureau of Consumer Protection in
18 the Office of Attorney General, or his designee.

19 (3) Two members representing the general public who
20 shall be appointed by the Governor with the advice and
21 consent of a majority of the members elected to the Senate.

22 (4) Five members, appointed by the Governor with the
23 advice and consent of a majority of the members elected to
24 the Senate, who are licensed to practice chiropractic under
25 the laws of this Commonwealth and who have been engaged in
26 the full-time practice of chiropractic in this Commonwealth
27 for at least five years immediately preceding their
28 appointment. No member shall be in any manner financially
29 interested in or connected with the faculty or management of
30 any school or college of chiropractic. No member shall be an

1 officer, representative, agent or consultant to a local,
2 state or national professional society or private entity
3 which establishes standards adjudging the practice and fees
4 of licensed members of the chiropractic profession or shall
5 receive any remuneration in any form in an amount greater
6 than \$5,000 from such society or entity, directly or
7 indirectly, or shall engage in any activity related to the
8 chiropractic profession for which he receives remuneration in
9 any form in an amount greater than \$5,000, other than in the
10 ordinary course of the practice of chiropractic.

11 (b) Term and vacancies.--The term of office of each
12 professional and public member shall be four years from his
13 appointment or until his successor has been duly appointed and
14 qualified according to law but no longer than six months beyond
15 the four-year period. In the event that any member should die or
16 resign or otherwise become disqualified during his term of
17 office, his successor shall be appointed in the same way and
18 with the same qualifications as set forth in subsection (a) and
19 shall hold office for the unexpired term. No member shall be
20 eligible for appointment to serve more than two consecutive
21 terms.

22 (c) Quorum and officers.--A majority of the members of the
23 board serving in accordance with law shall constitute a quorum
24 for purposes of conducting the business of the board. Except for
25 temporary and automatic suspensions under section 506, a member
26 may not be counted as part of a quorum or vote on any issue
27 unless he is physically in attendance at the meeting. The board
28 shall annually select, from among its members, a chairman and a
29 secretary.

30 (d) Compensation.--Each member of the board other than the

1 commissioner and the Director of the Bureau of Consumer
2 Protection shall receive \$60 per diem when actually attending to
3 the work of the board. Members shall also receive the amount of
4 reasonable traveling, hotel and other expenses incurred in the
5 performance of their duties in accordance with Commonwealth
6 regulations.

7 (e) Attendance at meetings.--A member who fails to attend
8 three consecutive meetings shall forfeit his seat unless the
9 commissioner, upon written request from the member, finds that
10 the member should be excused from a meeting because of illness
11 or the death of an immediate family member.

12 (f) Attendance at training seminars.--A public member who
13 fails to attend two consecutive statutorily mandated training
14 seminars in accordance with section 813(e) of the act of April
15 9, 1929 (P.L.177, No.175), known as The Administrative Code of
16 1929, shall forfeit his seat unless the commissioner, upon
17 written request from the public member, finds that the public
18 member should be excused from a meeting because of illness or
19 the death of a family member.

20 Section 302. Powers and duties.

21 The board shall have powers and duties as follows:

22 (1) To provide for and regulate the issuance of a
23 license to any person:

24 (i) who meets the general and educational
25 qualifications of this act and who passes the examination
26 specified by the board; or

27 (ii) who meets the requirements for the issuance of
28 a license by reciprocity or of a limited license, as
29 provided for in this act.

30 (2) To decide matters relating to the issuance, renewal,

1 suspension or revocation of licenses.

2 (3) To promulgate, adopt, and enforce in the manner
3 provided by law, the rules and regulations necessary to carry
4 out this act.

5 (4) To approve or disapprove chiropractic colleges in
6 accordance with section 303.

7 (5) To take appropriate actions to initiate injunctive
8 and criminal prosecution proceedings in connection with the
9 unlawful or unauthorized practice of chiropractic or other
10 violations of this act. Injunctive and criminal proceedings
11 shall be instituted in accordance with the act of October 15,
12 1980 (P.L.950, No.164), known as the Commonwealth Attorneys
13 Act.

14 (6) To provide for and schedule examinations in
15 accordance with this act and to contract with a professional
16 testing organization for the preparation and administration
17 of those examinations in accordance with section 812.1 of the
18 act of April 9, 1929 (P.L.177, No.175), known as The
19 Administrative Code of 1929.

20 (7) To conduct hearings and make adjudications,
21 including adjudications involving disciplinary actions. The
22 board may conduct such hearings or may designate a member of
23 the board or utilize a qualified hearing examiner to conduct
24 such hearings and to prepare adjudications, including
25 adjudications involving disciplinary actions, for final
26 revision and approval by the board.

27 (8) To keep a record showing the names and addresses of
28 all licensees under this act.

29 (9) To keep minutes and records of all its transactions
30 and proceedings, especially with relation to the issuance,

1 denial, registration, formal reprimand, suspension and
2 revocation of licenses. In all actions or proceedings in any
3 court, a transcript of any board record or any part thereof,
4 which is certified to be a true copy by the board, shall be
5 entitled to admission in evidence.

6 (10) To submit annually to the House and Senate
7 Appropriations Committees, 15 days after the Governor has
8 submitted his budget to the General Assembly, a copy of the
9 budget request for the upcoming fiscal year which the board
10 previously submitted to the department.

11 (11) To submit annually a report to the Professional
12 Licensure Committee of the House of Representatives and to
13 the Consumer Protection and Professional Licensure Committee
14 of the Senate containing a description of the types of
15 complaints received, status of cases, board action which has
16 been taken and the length of time from the initial complaint
17 to final board resolution.

18 (12) To hold at least four meetings a year for the
19 conduct of its business upon giving public notice of such
20 meetings in the manner provided by law.

21 (13) To issue subpoenas, upon application of an attorney
22 responsible for representing the Commonwealth in disciplinary
23 matters before the board, for the purpose of investigating
24 alleged violations of the disciplinary provisions
25 administered by the board. The board shall have the power to
26 subpoena witnesses, to administer oaths, to examine witnesses
27 and to take testimony or compel the production of books,
28 records, papers and documents as it may deem necessary or
29 proper in and pertinent to any proceeding, investigation or
30 hearing held by it. Chiropractic records may not be

1 subpoenaed without consent of the patient or without order of
2 a court of competent jurisdiction on a showing that the
3 records are reasonably necessary for the conduct of the
4 investigation. The court may impose such limitations on the
5 scope of the subpoena as are necessary to prevent unnecessary
6 intrusion into patient confidential information. The board is
7 authorized to apply to Commonwealth Court to enforce its
8 subpoenas.

9 Section 303. Approval of chiropractic colleges.

10 (a) Approval of colleges.--The board shall approve any
11 chiropractic college which is accredited by a chiropractic
12 accrediting agency recognized by the United States Department of
13 Education or the Council on Post-Secondary Accreditation, but
14 the board shall not approve any chiropractic college which is
15 not so accredited.

16 (b) Continuation of colleges pending accreditation.--Any
17 college which, on the effective date of this act, is not
18 accredited as provided in subsection (a) but which has been
19 approved by the board on the basis of a self-study and
20 inspection or has current status as a recognized candidate for
21 accreditation as provided in subsection (a) or whose graduates
22 were admitted to the most recent examination for licensure under
23 the act of August 10, 1951 (P.L.1182, No.264), known as the
24 Chiropractic Registration Act of 1951, shall have five years
25 from the effective date of this act in which to obtain
26 accreditation as provided in subsection (a). Such colleges shall
27 continue to offer chiropractic training and education in
28 accordance with the requirements of the Department of Education
29 of the Commonwealth. The Department of Education of the
30 Commonwealth shall periodically ascertain, by inspection and

1 otherwise, the quality of instruction and facilities possessed
2 by such colleges. A person shall be admitted to the licensing
3 examination and shall be eligible for licensure if he otherwise
4 satisfies the requirements of this act and if he graduated from
5 any such college prior to the effective date of this act,
6 graduated within five years from the effective date of this act,
7 or graduated more than five years from the effective date of
8 this act but was enrolled at such college on the expiration of
9 five years from the effective date of this act.

10 Section 304. Certification to use adjunctive procedures.

11 (a) Qualifications.--In addition to its other powers and
12 duties under this act, the board shall have the power and duty
13 to certify qualified licensees to use adjunctive procedures. To
14 obtain such certification, a licensee shall submit an
15 application to the board on a form provided by the board showing
16 to the satisfaction of the board that the licensee:

17 (1) passed an examination for licensure to practice
18 chiropractic, which examination included the use of
19 adjunctive procedures, provided that no person shall be
20 required to take or pass an examination including the use of
21 adjunctive procedures in order to obtain a license under this
22 act;

23 (2) passed an examination on the use of adjunctive
24 procedures, which examination was prepared and administered
25 by a qualified and approved professional testing organization
26 in accordance with section 812.1 of the act of April 9, 1929
27 (P.L.177, No.175), known as The Administrative Code of 1929;

28 (3) completed a minimum of 100 hours of study in the use
29 of adjunctive procedures, as approved by the board; or

30 (4) used adjunctive procedures in the licensed practice

1 of chiropractic for three years immediately preceding the
2 effective date of this act, provided that in order to
3 maintain such certification such a licensee shall, as part of
4 the continuing education required for renewal of a license
5 under this act, complete such additional study in the use of
6 adjunctive procedures as required by the board.

7 (b) Implementation.--The requirement for certification to
8 use adjunctive procedures shall not become effective until
9 January 1, 1988, provided that the board shall expedite review
10 of applications for certification beginning on the effective
11 date of this act.

12 CHAPTER 5

13 LICENSURE AND REGULATION

14 SUBCHAPTER A

15 LICENSURE

16 Section 501. Applications for license.

17 (a) Requirement for licensure.--An applicant for a license
18 under this act shall submit satisfactory proof to the board that
19 the applicant meets all of the following:

- 20 (1) Is 21 years of age or older.
- 21 (2) Is of good moral character.
- 22 (3) Has a high school diploma or its equivalent.
- 23 (4) Has completed two years of college or 60 credit
24 hours.
- 25 (5) Has graduated from an approved college of
26 chiropractic, with successful completion of not less than the
27 minimum number of hours of classroom and laboratory
28 instruction required by regulation of the board, which
29 minimum shall be at least 4,000 hours.
- 30 (6) Has passed the examination required under this act.

1 (7) Has not been convicted of a felonious act prohibited
2 by the act of April 14, 1972 (P.L.233, No.64), known as The
3 Controlled Substance, Drug, Device and Cosmetic Act, or of an
4 offense under the laws of another jurisdiction which if
5 committed in this Commonwealth would be a felony under the
6 Controlled Substance, Drug, Device and Cosmetic Act, unless
7 the applicant satisfies all of the following criteria:

8 (i) At least ten years have elapsed from the date of
9 conviction.

10 (ii) Satisfactorily demonstrates to the board that
11 he has made significant progress in personal
12 rehabilitation since the conviction such that licensure
13 of the applicant should not be expected to create a
14 substantial risk of harm to the health and safety of his
15 patients or the public or a substantial risk of further
16 criminal violations.

17 (iii) Satisfies the qualifications contained in this
18 act.

19 An applicant's statement on the application declaring the
20 absence of a conviction shall be deemed satisfactory evidence
21 of the absence of a conviction, unless the board has some
22 evidence to the contrary. As used in this section, the term
23 "convicted" shall include a judgment, an admission of guilt
24 or a plea of nolo contendere.

25 (b) Renewal of licenses.--A license shall be renewed
26 biennially for a period of two years upon payment of the
27 biennial fee, provided that the licensee satisfies the other
28 requirements of this act. Any person who has failed to renew his
29 license for a period of longer than five years shall be required
30 to apply for a license in accordance with section 501(a) if he

1 desires to resume practicing chiropractic.

2 Section 502. Examination.

3 (a) Admission.--The board shall admit to a standard
4 examination any applicant who has satisfied all of the
5 requirements of section 501 except for the requirement to have
6 passed the examination. The board may, in its discretion, permit
7 a student in good standing in his final semester in an approved
8 chiropractic college to be admitted to the standard examination,
9 provided he meets all the other requirements of this act, but he
10 must have certification of graduation from said college before a
11 license may be granted.

12 (b) Nature and content of examination.--The examination
13 shall be oral, practical and written, upon the principles and
14 technique of chiropractic and shall include the following
15 subjects: anatomy, physiology, histology, chemistry, pathology,
16 physics, bacteriology, diagnosis, hygiene and sanitation,
17 symptomatology, chiropractic analysis, X-ray, chiropractic
18 principles and a practical demonstration of chiropractic
19 technique.

20 (c) When conducted.--Examinations shall be conducted at
21 least twice each year.

22 (d) Testing organization.--All written, oral and practical
23 examinations required under this section shall be prepared and
24 administered by a qualified and approved professional testing
25 organization in accordance with section 812.1 of the act of
26 April 9, 1929 (P.L.177, No.175), known as The Administrative
27 Code of 1929, except that the oral and practical examinations
28 shall not be subject to section 812.1 until such examinations
29 are available from a testing organization.

30 (e) Score.--A license shall be granted to an applicant who

1 meets the requirements of this act and who achieves:

2 (1) an overall score of at least 75% on the entire
3 examination; or

4 (2) an average score of at least 75% on the oral and
5 practical examination and a passing score on the written
6 examination administered by the National Board of
7 Chiropractic Examiners as such passing score is determined by
8 the national board.

9 Section 503. Failure of examination.

10 (a) Second examination.--Any applicant who shall fail any
11 examination shall, after the expiration of six months and within
12 two years, have the privilege of taking a second examination.

13 (b) Subsequent examinations.--The board may adopt
14 regulations governing the eligibility of applicants who have
15 failed to pass two examinations to be admitted to subsequent
16 examinations.

17 Section 504. Reciprocity.

18 The board may grant licenses without further examination to
19 individuals from other states and provinces of Canada if all of
20 the following conditions are met:

21 (1) The standards for licensing in such states or
22 provinces are substantially the same as those provided in
23 this act.

24 (2) Similar privileges are accorded persons licensed in
25 this Commonwealth.

26 (3) The applicants hold valid licenses.

27 (4) The applicable rules and regulations prescribed by
28 the board are complied with.

29 Section 505. Limited license.

30 (a) Requirements.--The following educational and

1 professional requirements must be met in order to secure a
2 limited license which may be issued to an out-of-State or
3 foreign chiropractic school or college graduate for a period not
4 to exceed one year for the purpose of teaching in an approved
5 graduate chiropractic education program:

6 (1) The applicant must submit a letter of appointment to
7 teach or practice from a training institution in this
8 Commonwealth.

9 (2) The applicant must submit an application for
10 licensure consisting of evidence that all requirements
11 contained in this act have been met.

12 (3) The applicant must submit evidence that he has had
13 teaching experience or its equivalent which is acceptable to
14 the board.

15 (4) The applicant must submit to an oral examination in
16 his specialty conducted by a board member or the board's
17 designated representative.

18 (b) License to practice.--Persons granted limited licenses
19 under this section shall not be authorized to practice
20 chiropractic in this Commonwealth other than for the purpose of
21 teaching, which shall not include treatment of patients, and
22 those persons who subsequently desire to obtain a license for
23 the practice of chiropractic shall be required to meet the
24 standards for such license as set forth by regulation.

25 (c) Use of titles.--The use of titles such as "fellow,"
26 "fellowship," "consultant," "visiting professor" or similar
27 designations of an individual in a health care institution does
28 not eliminate the need for proper licensure under this act for
29 the practice of chiropractic.

30 Section 506. Refusal, suspension or revocation of license.

1 (a) Reasons enumerated.--The board may refuse to issue a
2 license or may suspend or revoke a license for any of the
3 following reasons:

4 (1) Failing to demonstrate the qualifications or
5 standards for a license contained in this act or regulations
6 of the board.

7 (2) Making misleading, deceptive, untrue or fraudulent
8 representations in the practice of chiropractic.

9 (3) Practicing fraud or deceit in obtaining a license to
10 practice chiropractic.

11 (4) Displaying gross incompetence, negligence or
12 misconduct in carrying on the practice of chiropractic.

13 (5) Submitting a false or deceptive biennial
14 registration to the board.

15 (6) Being convicted of a felony or a misdemeanor in the
16 practice of chiropractic, or receiving probation without
17 verdict, disposition in lieu of trial or an accelerated
18 rehabilitative disposition in the disposition of felony
19 charges, in the courts of this Commonwealth, a Federal court,
20 or a court of any other state, territory, possession or
21 country.

22 (7) Having a license to practice chiropractic suspended,
23 revoked or refused or receiving other disciplinary action by
24 the proper chiropractic licensing authority of another state,
25 territory, possession or country.

26 (8) Being unable to practice chiropractic with
27 reasonable skill and safety to patients by reason of illness,
28 drunkenness, excessive use of drugs, narcotics, chemicals or
29 any other type of material, or as a result of any mental or
30 physical condition. In enforcing this paragraph, the board

1 shall, upon probable cause, have authority to compel a
2 chiropractor to submit to a mental or physical examination by
3 physicians approved by the board. Failure of a chiropractor
4 to submit to such examination when directed by the board,
5 unless such failure is due to circumstances beyond his
6 control, shall constitute an admission of the allegations
7 against him, consequent upon which a default and final order
8 may be entered without the taking of testimony or
9 presentation of evidence. A chiropractor affected under this
10 paragraph shall at reasonable intervals be afforded an
11 opportunity to demonstrate that he can resume a competent
12 practice of chiropractic with reasonable skill and safety to
13 patients.

14 (9) Violating a lawful regulation promulgated by the
15 board or violating a lawful order of the board previously
16 entered in a disciplinary proceeding.

17 (10) Knowingly aiding, assisting, procuring or advising
18 any unlicensed person to practice chiropractic, contrary to
19 this act or regulations of the board.

20 (11) Committing immoral or unprofessional conduct.
21 Unprofessional conduct shall include any departure from, or
22 failure to conform to, the standards of acceptable and
23 prevailing chiropractic practice. Actual injury to a patient
24 need not be established.

25 (12) Soliciting any engagement to perform professional
26 services by any direct, in-person or uninvited soliciting
27 through the use of coercion, duress, compulsion,
28 intimidation, threats, overreaching or harassing conduct.

29 (13) Failing to perform any statutory obligation placed
30 upon a licensed chiropractor.

1 (14) Intentionally submitting to any third-party payor a
2 claim for a service or treatment which was not actually
3 provided to a patient.

4 (15) Failing to maintain chronological documentation of
5 patient care in accordance with regulations prescribed by the
6 board.

7 (16) Making representations that chiropractic treatment
8 will cure cancer or an infectious or communicable disease.

9 (17) Holding himself out as a specialist unless he
10 possesses a postgraduate certification in that specialty.

11 (18) Unconditionally guaranteeing that a cure will
12 result from the performance of chiropractic treatment.

13 (19) Failing to refer a patient to a licensed
14 practitioner of another branch of the healing arts for
15 consultation or treatment when a diagnosis of such patient
16 indicates that such a referral is appropriate.

17 (b) Discretion of board.--When the board finds that the
18 license of any person may be refused, revoked or suspended under
19 the terms of subsection (a), the board may:

20 (1) Deny the application for a license.

21 (2) Administer a public reprimand.

22 (3) Revoke, suspend, limit or otherwise restrict a
23 license as determined by the board. Unless ordered to do so
24 by a court, the board shall not reinstate the license of a
25 person to practice chiropractic which has been revoked, and
26 such person shall be required to apply for a license after a
27 five-year period in accordance with section 501 if he desires
28 to practice at any time after such revocation.

29 (4) Require a licensee to submit to the care, counseling
30 or treatment of a physician or physicians designated by the

1 board.

2 (5) Suspend enforcement of its findings thereof and
3 place a licensee on probation with the right to vacate the
4 probationary order for noncompliance.

5 (6) Restore a suspended license to practice chiropractic
6 and impose any disciplinary or corrective measure which it
7 might originally have imposed.

8 (c) Procedure.--All actions of the board shall be taken
9 subject to the right of notice, hearing and adjudication and the
10 right of appeal therefrom in accordance with Title 2 of the
11 Pennsylvania Consolidated Statutes (relating to administrative
12 law and procedure).

13 (d) Temporary suspension.--The board shall temporarily
14 suspend a license under circumstances as determined by the board
15 to be an immediate and clear danger to the public health or
16 safety. The board shall issue an order to that effect without a
17 hearing, but upon due notice to the licensee concerned at his
18 last known address, which shall include a written statement of
19 all allegations against the licensee. The provisions of
20 subsection (c) shall not apply to temporary suspension. The
21 board shall thereupon commence formal action to suspend, revoke
22 or restrict the license of the person concerned as otherwise
23 provided for in this act. All actions shall be taken promptly
24 and without delay. Within 30 days following the issuance of an
25 order temporarily suspending a license, the board shall conduct,
26 or cause to be conducted, a preliminary hearing to determine
27 that there is a prima facie case supporting the suspension. The
28 licensee whose license has been temporarily suspended may be
29 present at the preliminary hearing and may be represented by
30 counsel, cross-examine witnesses, inspect physical evidence,

1 call witnesses, offer evidence and testimony and make a record
2 of the proceedings. If it is determined that there is not a
3 prima facie case, the suspended license shall be immediately
4 restored. The temporary suspension shall remain in effect until
5 vacated by the board, but in no event longer than 180 days.

6 (e) Automatic suspension.--A license issued under this act
7 shall automatically be suspended upon the legal commitment of a
8 licensee to an institution because of mental incompetency from
9 any cause upon filing with the board a certified copy of such
10 commitment; conviction of a felony under the act of April 14,
11 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,
12 Device and Cosmetic Act; or conviction of an offense under the
13 laws of another jurisdiction, which, if committed in
14 Pennsylvania, would be a felony under The Controlled Substance,
15 Drug, Device and Cosmetic Act. As used in this subsection, the
16 term "conviction" shall include a judgment, an admission of
17 guilt or a plea of nolo contendere. Automatic suspension under
18 this section shall not be stayed pending any appeal of a
19 conviction. Restoration of such license shall be made as
20 provided in this act for revocation or suspension of such
21 license.

22 Section 507. Continuing chiropractic education.

23 (a) Requirement for license renewal.--As a condition for the
24 biennial renewal of a license to practice chiropractic, a
25 licensee shall submit to the board evidence that he has
26 completed at least 24 hours of continuing chiropractic education
27 within the immediately preceding two-year period, provided that
28 this requirement for continuing chiropractic education shall
29 apply for the first time to the renewal of licenses in 1988.

30 (b) Qualifying education.--A licensee may receive credit for

1 only those hours of continuing chiropractic education in a
2 program approved by the board and for only those hours directed
3 toward keeping the licensee apprised of advancements and new
4 developments in chiropractic which build upon the basic courses
5 required to practice chiropractic and which are in the following
6 areas:

- 7 (1) Anatomy.
- 8 (2) Physiology.
- 9 (3) Histology.
- 10 (4) Chemistry.
- 11 (5) Pathology.
- 12 (6) Physics.
- 13 (7) Bacteriology.
- 14 (8) Diagnosis.
- 15 (9) Hygiene and sanitation.
- 16 (10) Symptomatology.
- 17 (11) Chiropractic analysis.
- 18 (12) X-ray.
- 19 (13) Chiropractic principles.
- 20 (14) Chiropractic technique.
- 21 (15) Adjunctive procedures.

22 No credit shall be given for any course in office management or
23 practice building.

24 (c) Application by sponsors.--Prior to receiving board
25 approval for a program of continuing chiropractic education, a
26 sponsor shall submit to the board, in writing, the following
27 information at least 90 days prior to the date on which the
28 program is scheduled to be presented:

- 29 (1) Evidence that the sponsor's program would be
30 directed toward keeping the licensee apprised of advancements

1 and new developments in chiropractic which build upon the
2 basic courses required to practice chiropractic and which are
3 in the areas specified in subsection (b).

4 (2) A detailed course outline or syllabus, including
5 such items as methods of instruction and testing materials,
6 if any.

7 (3) A current curriculum vitae of each instructor,
8 speaker or lecturer appearing in the program.

9 (d) Action on application.--The board shall notify each
10 sponsor, in writing, of approval or disapproval of the
11 application within 45 days of the receipt of the application. If
12 an application is disapproved, the board shall detail the
13 reasons for disapproval in order that the sponsor may cure any
14 defect and submit an amended application in a timely manner.

15 (e) Evidence of completion.--Each licensee, in order to
16 qualify for biennial renewal of his license, shall complete a
17 form provided by the sponsor and supplied by the board which
18 contains the name of the licensee, business address, name of the
19 sponsor and instructor, course taken, hours completed, date and
20 place of the continuing education program offered, and a signed
21 statement sworn and attested to by the licensee that the
22 licensee was fully in attendance at the program offered and that
23 the information in such form is true and correct. The licensee
24 shall be responsible for sending this form to the board.

25 (f) Notification.--The board, within 30 days after the
26 effective date of this act, shall notify all licensees subject
27 to this section that they will be required to complete 24 hours
28 of continuing education within the two-year period before the
29 renewal period commencing in 1988 and shall notify such
30 licensees of continuing education required when renewal

1 applications are issued for 1988 and every renewal period
2 thereafter.

3 (g) Approved programs.--A continuing education program
4 offered by a chiropractic college approved in accordance with
5 this act and attended by a licensee must be accepted by the
6 board so long as the course requirements of this section are
7 met.

8 (h) Exceptions.--The board may make exceptions to the
9 continuing education program requirements in emergency or
10 hardship cases on the basis of evidence submitted in proof of an
11 emergency or hardship.

12 Section 508. Professional liability insurance.

13 (a) Insurance required.--As a condition for obtaining or
14 renewing a license to practice chiropractic in this Commonwealth
15 beginning with the 1988 license renewal period, an applicant
16 shall submit to the board satisfactory evidence that he has
17 obtained professional liability insurance, or that he has
18 established self-insurance for professional liability, in the
19 minimum amount of \$100,000 per occurrence and \$300,000 per
20 annual aggregate.

21 (b) Termination of coverage.--A licensee shall notify the
22 board within 30 days of the cancellation of his professional
23 liability insurance, the failure or refusal to renew his
24 professional liability insurance, or the termination of his
25 self-insurance for professional liability. The license of such
26 licensee shall automatically be suspended 60 days after such
27 cancellation, failure or refusal to renew, or termination and
28 shall not be restored until he submits to the board satisfactory
29 evidence that he has obtained professional liability insurance,
30 or that he has established self-insurance for professional

1 liability, in the minimum amount of \$100,000 per occurrence and
2 \$300,000 per annual aggregate, provided that the board may
3 postpone such a license suspension until the board has
4 determined if a waiver should be granted pursuant to subsection
5 (c).

6 (c) Waiver of requirement.--The board may waive the
7 requirement that a licensee obtain professional liability
8 insurance and self-insurance for professional liability if,
9 after notice and a hearing, the board determines that the
10 licensee is unable to obtain such insurance or self-insurance
11 because of general market conditions rather than because of the
12 individual performance of that licensee.

13 (d) Self-insurance.--The board, after consultation with the
14 Insurance Commissioner, shall establish standards and procedures
15 for self-insurance pursuant to this section.

16 Section 509. Impaired professionals.

17 (a) Consultants.--The board, with the approval of the
18 commissioner, shall appoint and fix the compensation of a
19 professional consultant who is a licensee of the board, or such
20 other professional as the board may determine, with education
21 and experience in the identification, treatment and
22 rehabilitation of persons with physical or mental impairments.
23 Such consultant shall be accountable to the board and shall act
24 as a liaison between the board and the treatment programs, such
25 as alcohol and drug treatment programs licensed by the
26 Department of Health, psychological counseling and impaired
27 professional support groups, which are approved by the board and
28 which provide services to licensees under this act.

29 (b) Eligibility and disclosure.--The board may defer and
30 ultimately dismiss any of the types of corrective action set

1 forth in this act for an impaired professional so long as the
2 professional is progressing satisfactorily in an approved
3 treatment program, provided that the provisions of this
4 subsection shall not apply to a professional convicted of a
5 felonious act prohibited by the act of April 14, 1972 (P.L.233,
6 No.64), known as The Controlled Substance, Drug, Device and
7 Cosmetic Act, or convicted of a felony relating to a controlled
8 substance in a court of law of the United States or any other
9 state, territory or country. An approved program provider shall,
10 upon request, disclose to the consultant such information in its
11 possession regarding an impaired professional in treatment which
12 the program provider is not prohibited from disclosing by an act
13 of this Commonwealth, another state, or the United States. Such
14 requirement of disclosure by an approved program provider shall
15 apply in the case of impaired professionals who enter into an
16 agreement in accordance with this section, impaired
17 professionals who are the subject of a board investigation or
18 disciplinary proceeding, and impaired professionals who
19 voluntarily enter a treatment program other than under the
20 provisions of this section but who fail to complete the program
21 successfully or to adhere to an aftercare plan developed by the
22 program provider.

23 (c) Agreement with board.--An impaired professional who
24 enrolls in an approved treatment program shall enter into an
25 agreement with the board under which the professional's license
26 shall be suspended or revoked but enforcement of that suspension
27 or revocation may be stayed for the length of time the
28 professional remains in the program and makes satisfactory
29 progress, complies with the terms of the agreement and adheres
30 to any limitations on his practice imposed by the board to

1 protect the public. Failure to enter into such an agreement
2 shall disqualify the professional from the impaired professional
3 program and shall activate an immediate investigation and
4 disciplinary proceeding by the board.

5 (d) Disciplinary action.--If, in the opinion of the
6 consultant after consultation with the provider, an impaired
7 professional who is enrolled in an approved treatment program
8 has not progressed satisfactorily, the consultant shall disclose
9 to the board all information in his possession regarding said
10 professional, and the board shall institute proceedings to
11 determine if the stay of the enforcement of the suspension or
12 revocation of the impaired professional's license shall be
13 vacated.

14 (e) Immunity.--An approved program provider who makes a
15 disclosure pursuant to this section shall not be subject to
16 civil liability for such disclosure or its consequences.

17 (f) Reports to the board.--Any hospital or health care
18 facility, peer or colleague who has substantial evidence that a
19 professional has an active addictive disease for which the
20 professional is not receiving treatment, is diverting a
21 controlled substance or is mentally or physically incompetent to
22 carry out the duties of his or her license shall make or cause
23 to be made a report to the board, provided that any person or
24 facility who acts in a treatment capacity to an impaired
25 professional in an approved treatment program is exempt from the
26 mandatory reporting requirements of this subsection. Any person
27 or facility who reports pursuant to this section in good faith
28 and without malice shall be immune from any civil or criminal
29 liability arising from such report. Failure to provide such
30 report within a reasonable time from receipt of knowledge of

1 impairment shall subject the person or facility to a fine not to
2 exceed \$1,000. The board shall levy this penalty only after
3 affording the accused party the opportunity for a hearing, as
4 provided in Title 2 of the Pennsylvania Consolidated Statutes
5 (relating to administrative law and procedure).

6 SUBCHAPTER B

7 GENERAL REGULATION

8 Section 521. License required.

9 It shall be unlawful after the effective date of this act for
10 any person in this Commonwealth to engage in the practice of
11 chiropractic or indicate in any manner whatsoever the ability to
12 practice chiropractic unless licensed under the provisions of
13 this act, except that any person licensed or legally authorized
14 to practice chiropractic in this Commonwealth under any other
15 act shall thereafter continue to possess the same rights and
16 privileges with respect to the practice of chiropractic without
17 being required to be licensed anew under the provisions of this
18 act, and as fully as if he were licensed under the provisions of
19 this act; and to that extent, he shall be exempt from any
20 penalties under this act.

21 Section 522. Radiologic procedures; education and training
22 required.

23 (a) Supervision; educational requirements.--On and after
24 January 1, 1988, no auxiliary personnel shall perform radiologic
25 procedures on the premises of a chiropractor unless such person
26 is under the direct supervision of a chiropractor who is on the
27 premises at the time the X-ray of the patient is taken and
28 unless such person has passed an examination approved by the
29 board and administered in accordance with section 812.1 of the
30 act of April 9, 1929 (P.L.177, No.175), known as The

1 Administrative Code of 1929.

2 (b) Exclusion.--The board shall, by regulation, provide for
3 the exclusion of an auxiliary personnel from performing
4 radiologic procedures if the continued performance of radiologic
5 procedures by the auxiliary personnel is determined by the board
6 to pose a threat to the health, safety or welfare of the public.

7 (c) Penalty.--It shall be unlawful under this act to
8 knowingly permit radiologic procedures to be performed in
9 violation of this section or in violation of the regulations
10 promulgated or orders issued in accordance with this section.

11 (d) Education and testing.--No auxiliary personnel who has
12 or obtains a license, certificate or registration issued by, or
13 on behalf of, a board within the Bureau of Professional and
14 Occupational Affairs shall be required to undergo any additional
15 education or testing pursuant to this section if radiologic
16 procedures were included in the education or the examination
17 which he or she was required to complete successfully in order
18 to be eligible for such license, certificate or registration.

19 Section 523. Reporting of multiple licensure.

20 Any licensed chiropractor of this Commonwealth who is also
21 licensed to practice chiropractic in any other state, territory,
22 possession or country shall report this information to the board
23 on the biennial registration application. Any disciplinary
24 action taken in such other jurisdiction shall be reported to the
25 board on the biennial registration application or within 90 days
26 of final disposition, whichever is sooner. Multiple licensure
27 shall be noted by the board on the chiropractor's record and
28 such state, territory, possession or country shall be notified
29 by the board of any disciplinary actions taken against said
30 chiropractor in this Commonwealth.

1 Section 524. Display of certificate.

2 Every holder of a license granted by the board under this act
3 shall display the license in a conspicuous place in the office
4 where such person practices chiropractic.

5 Section 525. Doctor of Chiropractic and abbreviation.

6 Any person who has a valid license in accordance with this
7 act may practice chiropractic and use the title "Doctor of
8 Chiropractic" and the abbreviation "DC."

9 Section 526. Relationship with other branches of the healing
10 arts.

11 (a) In general.--This act shall not apply either directly or
12 indirectly, by intent or purpose, to affect the practice of any
13 other branch of the healing arts by any person duly licensed or
14 certified by the department to engage in such practice.

15 (b) Representation as a licensed physical therapist.--A
16 chiropractor shall not hold himself out in any manner to be a
17 licensed physical therapist unless he is duly licensed under the
18 act of October 10, 1975 (P.L.383, No.110), known as the Physical
19 Therapy Practice Act.

20 Section 527. Revoked licenses; reinstatement; reports to the
21 board.

22 (a) Surrender of license.--The board shall require a person
23 whose license has been suspended or revoked to return the
24 license in such manner as the board directs. A person who fails
25 to do so commits a misdemeanor of the third degree.

26 (b) Reinstatement after felony conviction.--Any person whose
27 license has been suspended or revoked because of a felony
28 conviction under the act of April 14, 1972 (P.L.233, No.64),
29 known as The Controlled Substance, Drug, Device and Cosmetic
30 Act, or similar law of another jurisdiction, may apply for

1 reinstatement after a period of at least ten years has elapsed
2 from the date of conviction. The board may reinstate the license
3 if the board is satisfied that the person has made significant
4 progress in personal rehabilitation since the conviction such
5 that his reinstatement should not be expected to create a
6 substantial risk of harm to the health and safety of his
7 patients or the public or a substantial risk of further criminal
8 violations and if the person meets all other licensing
9 qualifications of this act, including the examination
10 requirement.

11 (c) Reports to the board.--An attorney responsible for
12 representing the Commonwealth in disciplinary matters before the
13 board shall notify the board immediately upon receiving
14 notification of an alleged violation of this act. The board
15 shall maintain current records of all reports of alleged
16 violations and periodically review the records for the purpose
17 of determining that each alleged violation has been resolved in
18 a timely manner.

19 CHAPTER 7

20 PENALTY PROVISIONS

21 Section 701. Practice of chiropractic without license
22 prohibited.

23 (a) Offense defined.--It shall be unlawful for any person
24 to:

25 (1) Engage or attempt to engage in the practice of
26 chiropractic or to hold himself out as a practitioner of
27 chiropractic unless he has first fulfilled the requirements
28 of this act and has been licensed by the board.

29 (2) Practice or hold himself out as a practitioner of
30 spinal adjustment or manipulation, spinal mobilization or

manipulation of articulations of the human body for therapeutic benefit unless he has first fulfilled the requirements of this act and has been licensed by the board or unless he has been licensed or certified in accordance with another act of this Commonwealth.

(b) Penalty.--A person who violates this section commits a misdemeanor of the third degree and shall, upon conviction, for a first offense, be sentenced to a fine not to exceed \$1,000, or to imprisonment for not more than six months, or both. A second offense shall be subject to a fine not to exceed \$2,000, or imprisonment for a term of six months to one year, or both.

Section 702. Violation of other provisions.

A person commits a misdemeanor of the third degree and, upon conviction, shall be sentenced to pay a fine of not more than \$500, or to imprisonment for not more than six months, or both, if he commits any act declared unlawful by any other provision of this act, other than section 701, or if he:

(1) Makes misleading, deceptive, untrue or fraudulent representations in the practice of chiropractic.

(2) Practices fraud or deceit in obtaining a license to practice chiropractic.

(3) Displays gross incompetence, negligence or misconduct in carrying on the practice of chiropractic.

(4) Makes a false or deceptive biennial registration with the board.

(5) Violates a lawful regulation promulgated by the board or a lawful order of the board previously entered in a disciplinary proceeding.

(6) Knowingly aids, assists, procures or advises any unlicensed person to practice chiropractic, contrary to this

1 act or regulations of the board.

2 (7) Commits immoral or unprofessional conduct.

3 Unprofessional conduct shall include any departure from, or
4 failure to conform to, the standards of acceptable and
5 prevailing chiropractic practice. Actual injury to a patient
6 need not be established.

7 (8) Solicits any engagement to perform professional
8 services by any direct, in-person or uninvited soliciting
9 through the use of coercion, duress, compulsion,
10 intimidation, threats, overreaching or harassing conduct.

11 (9) Fails to perform any statutory obligation placed
12 upon a licensed chiropractor.

13 (10) Submits intentionally to any third-party payor a
14 claim for a service or treatment which was not actually
15 provided to a patient.

16 (11) Makes representations that chiropractic treatment
17 will cure cancer or an infectious or communicable disease.

18 (12) Holds himself out as a specialist unless he
19 possesses a postgraduate certification in that specialty.

20 (13) Unconditionally guarantees that a cure will result
21 from the performance of chiropractic treatment.

22 Section 703. Civil penalty.

23 In addition to any other civil remedy or criminal penalty
24 provided for in this act, the board, by a vote of the majority
25 of the maximum number of the authorized membership of the board
26 as provided by law or by a vote of the majority of the duly
27 qualified and confirmed membership or a minimum of four members,
28 whichever is greater, may levy a civil penalty of up to \$1,000
29 on any current licensee who violates any provision of this act
30 or on any person who practices chiropractic without being

1 properly licensed to do so under this act. The board shall levy
2 this penalty only after affording the accused party the
3 opportunity for a hearing, as provided in Title 2 of the
4 Pennsylvania Consolidated Statutes (relating to administrative
5 law and procedure).

6 Section 704. Fines and penalties.

7 All fines and civil penalties imposed in accordance with this
8 chapter shall be paid into the Professional Licensure
9 Augmentation Account.

10 CHAPTER 11

11 MISCELLANEOUS PROVISIONS

12 Section 1101. Fees.

13 (a) Adoption.--The board shall, by regulation, fix the fees
14 required for examination, licensure, renewal of licenses and
15 limited licenses.

16 (b) Insufficient revenue.--If the revenues raised by fees,
17 fines and civil penalties imposed pursuant to this act are not
18 sufficient to meet expenditures over a two-year period, the
19 board shall increase those fees by regulation so that the
20 projected revenues will meet or exceed projected expenditures.

21 (c) Increase by bureau.--If the bureau determines that the
22 fees established by the board pursuant to subsections (a) and
23 (b) are inadequate to meet the minimum enforcement efforts
24 required by this act, then the bureau, after consultation with
25 the board, shall increase the fees by regulation so that
26 adequate revenues are raised to meet the required enforcement
27 effort.

28 (d) Review.--Any regulation proposed under this section
29 shall be subject to the act of June 25, 1982 (P.L.633, No.181),
30 known as the Regulatory Review Act.

1 Section 1102. Current members of board.

2 The presently confirmed members of the State Board of
3 Chiropractic Examiners constituted under section 461 of the act
4 of April 9, 1929 (P.L.177, No.175), known as The Administrative
5 Code of 1929, as of the effective date of this act, shall
6 continue to serve as board members until their present terms of
7 office expire, provided that any present board member whose term
8 has expired on or before the effective date of this act shall
9 serve until a successor has been appointed and qualified, but no
10 longer than six months after the effective date of this act.

11 Section 1103. Current licensees.

12 Any person who holds a valid license issued by the State
13 Board of Chiropractic Examiners under the act of August 10, 1951
14 (P.L.1182, No.264), known as the Chiropractic Registration Act
15 of 1951, prior to the effective date of this act shall, on and
16 after the effective date hereof, be deemed to be licensed by the
17 State Board of Chiropractic as provided for in this act.

18 Section 1104. Existing regulations.

19 Each rule, regulation or fee of the board in effect on the
20 effective date of this act shall remain in effect after such
21 date until repealed or amended by the board, provided that the
22 board shall immediately initiate the repeal or amendment of any
23 rule or regulation which is inconsistent with the provisions of
24 this act.

25 Section 1105. Reestablishment of agency.

26 This act, with respect to the State Board of Chiropractic
27 Examiners, shall constitute the legislation required to
28 reestablish an agency pursuant to the act of December 22, 1981
29 (P.L.508, No.142), known as the Sunset Act.

30 Section 1106. Repeals.

1 (a) Absolute repeals.--The following acts and parts of acts
2 are repealed:

3 Section 461 of the act of April 9, 1929 (P.L.177, No.175),
4 known as The Administrative Code of 1929.

5 Act of August 10, 1951 (P.L.1182, No.264), known as the
6 Chiropractic Registration Act of 1951.

7 (b) General repeals.--All other acts and parts of acts are
8 repealed insofar as they are inconsistent with this act.

9 Section 1107. Effective date.

10 This act shall take effect immediately.