
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1362 Session of
1985

INTRODUCED BY LLOYD, MILLER, RIEGER, MURPHY, BOOK, SEVENTY,
AFFLERBACH, LINTON AND DONATUCCI, JUNE 4, 1985

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JUNE 4, 1985

AN ACT

1 Providing for the licensing of chiropractors and the regulation
2 of the practice of chiropractic; establishing the State Board
3 of Chiropractic Examiners in the Department of State and
4 providing for its powers and duties; providing for the
5 supervision of schools of chiropractic, for the examination
6 of applicants, for enforcement and for disciplinary actions;
7 providing penalties; and making repeals.

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28 The General Assembly of the Commonwealth of Pennsylvania
29 hereby enacts as follows:

30

CHAPTER 1

PRELIMINARY PROVISIONS

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Section 101. Short title.

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

Section 102. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Board." The State Board of Chiropractic Examiners.

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

"Chiropractic." A limited science of the healing arts dealing with the relationship between the articulations of the vertebral column, as well as other articulations, and the neuro-musculo-skeletal system and the role of these relationships in the restoration and maintenance of health. The term shall include systems of locating misaligned or displaced vertebrae of the human spine and other articulations; the examination preparatory to the adjustment or manipulation and the adjustment or manipulation of such misaligned or displaced vertebrae and other articulations; the furnishing of necessary patient care for the restoration and maintenance of health and the use of board-approved scientific instruments of analysis, including X-ray, as taught in the approved schools and colleges of chiropractic, without the use of either drugs or surgery. The term shall also include diagnosis, provided that such diagnosis is necessary to determine what, if any, chiropractic treatment is appropriate. The term shall also include the use of adjunctive procedures involving light, water, heat, cold, electricity and sound, if the use of the adjunctive procedure

1 has been approved by the board and is necessary to the
2 performance of an adjustment or manipulation and provided either
3 that such procedure was included in the licensing examination
4 the chiropractor passed in order to obtain a license to practice
5 chiropractic in this Commonwealth or that the chiropractor
6 participates in a board-prescribed program of continuing
7 chiropractic education in the use of such adjunctive procedure.
8 The term shall not include the practice of obstetrics,
9 gynecology or the reduction of fractures or major dislocations.
10 The term shall not include needle acupuncture.

11 "Chiropractor." A practitioner of chiropractic.

12 "Commissioner." The Commissioner of Professional and
13 Occupational Affairs.

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

15 CHAPTER 3

16 STATE BOARD OF CHIROPRACTIC EXAMINERS

17 Section 301. State Board of Chiropractic Examiners.

18 (a) Establishment and composition.--There is hereby
19 established within the Department of State the State Board of
20 Chiropractic Examiners. The board shall consist of nine members
21 as follows:

22 (1) The commissioner.

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

25 (3) Two members representing the general public who
26 shall be appointed by the Governor with the advice and
27 consent of a majority of the Senate.

28 (4) Five members, appointed by the Governor with the
29 advice and consent of a majority of the Senate, who are
30 licensed to practice chiropractic under the laws of this

1 Commonwealth and who have been engaged in the full-time
2 practice of chiropractic in this Commonwealth for at least
3 five years immediately preceding their appointment. No member
4 shall be in any manner financially interested in or connected
5 with the faculty or management of any school or college of
6 chiropractic. No member shall be an officer, representative,
7 agent or consultant to a local, state or national
8 professional society or private entity which establishes
9 standards adjudging the practice and fees of licensed members
10 of the chiropractic profession or shall receive any
11 remuneration in any form from such society or entity,
12 directly or indirectly, or shall engage in any activity
13 related to the chiropractic profession for which he receives
14 remuneration in any form or amount, other than in the
15 capacity of treating patients.

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

25 (c) Quorum and officers.--Five members of the board shall
26 constitute a quorum. The board shall annually select, from among
27 its members, a chairman and a secretary.

28 (d) Compensation.--Each member of the board other than the
29 commissioner and the Director of the Bureau of Consumer
30 Protection shall receive reimbursement for reasonable traveling,

1 lodging and other necessary expenses and per diem compensation
2 at the rate of \$60 per day for each day of actual service while
3 on board business.

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

9 Section 302. Powers and duties.

10 The board shall have powers and duties as follows:

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

13 (i) who meets the general and educational
14 qualifications of this act and who passes the examination
15 specified by the board; or

16 (ii) who meets the requirements for the issuance of
17 a license by reciprocity or of a limited license, as
18 provided for in this act.

19 (2) To decide matters relating to the issuance, renewal,
20 suspension or revocation of licenses.

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

24 (4) To approve or disapprove chiropractic schools and
25 colleges in accordance with section 303.

26 (5) To take appropriate actions to initiate injunctive
27 and criminal prosecution proceedings in connection with the
28 unlawful or unauthorized practice of chiropractic or other
29 violations of this act. Injunctive and criminal proceedings
30 shall be instituted in accordance with the act of October 15,

1 1980 (P.L.950, No.164), known as the Commonwealth Attorneys
2 Act.

3 (6) To provide for and schedule examinations in
4 accordance with this act and to contract with a professional
5 testing organization for the preparation and administration
6 of those examinations in accordance with section 812.1 of the
7 act of April 9, 1929 (P.L.177, No.175), known as The
8 Administrative Code of 1929.

9 (7) To conduct hearings and make adjudications,
10 including adjudications involving disciplinary actions. The
11 board may conduct such hearings or may designate a member of
12 the board or utilize a qualified hearing examiner to conduct
13 such hearings and to prepare adjudications, including
14 adjudications involving disciplinary actions, for final
15 revision and approval by the board.

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

18 (9) To keep minutes and records of all its transactions
19 and proceedings, especially with relation to the issuance,
20 denial, registration, formal reprimand, suspension and
21 revocation of licenses. In all actions or proceedings in any
22 court, a transcript of any board record or any part thereof,
23 which is certified to be a true copy by the board, shall be
24 entitled to admission in evidence.

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

30 (11) To submit annually a report to the Professional

1 Licensure Committee of the House of Representatives and to
2 the Consumer Protection and Professional Licensure Committee
3 of the Senate a description of the types of complaints
4 received, status of cases, board action which has been taken
5 and the length of time from the initial complaint to final
6 board resolution.

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

10 Section 303. General supervision of chiropractic schools and
11 colleges.

12 (a) Approval of schools and colleges.--The board shall
13 approve or disapprove the operation of chiropractic schools and
14 colleges for the purposes of satisfying the educational
15 requirements established in accordance with this act. Such
16 chiropractic schools and colleges shall meet the requirements
17 set by the board. The board shall not approve any chiropractic
18 school or college unless that school or college is accredited by
19 an accrediting agency which is recognized by the United States
20 Department of Education or the Council on Post-Secondary
21 Accreditation. In carrying out its duties under this section,
22 the board shall have the power to:

23 (1) Examine or cause to be examined the facilities of
24 these schools and colleges and ascertain the qualifications
25 of instructors and the quality of curriculum and instruction.

26 (2) Establish, by regulation, standards for the
27 operation of the schools and colleges within this
28 Commonwealth.

29 (b) Implementation.--This section shall not immediately
30 apply to a chiropractic school or college which is currently

1 approved by the board on the basis of a self-study and
2 inspection of the institution. Such school or college shall have
3 five years from the effective date of this act in which to
4 obtain accreditation from an appropriate agency as provided in
5 this act.

6 CHAPTER 5

7 LICENSURE AND REGULATION

8 Subchapter A. Licensure

9 Section 501. Applications for license.

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

13 (1) Is 21 years of age or older.

14 (2) Is of good moral character.

15 (3) Has a high school diploma or its equivalent.

16 (4) Has completed two years of college or 60 credit
17 hours.

18 (5) Has graduated from an approved school or college of
19 chiropractic, with successful completion of not less than the
20 minimum number of hours of classroom and laboratory
21 instruction required by regulation of the board, which
22 minimum shall be at least 4,000 hours.

23 (6) Has passed the examination required under this act.

24 (7) Has not been convicted of a felonious act prohibited
25 by the act of April 14, 1972 (P.L.233, No.64), known as The
26 Controlled Substance, Drug, Device and Cosmetic Act, or
27 convicted of a felony relating to a controlled substance in a
28 court of law of the United States or any other state,
29 territory or country. An applicant's statement on the
30 application declaring the absence of a conviction shall be

1 deemed satisfactory evidence of the absence of a conviction,
2 unless the board has some evidence to the contrary.

3 (b) Renewal of licenses.--A license may be renewed
4 biennially for a period of two years upon payment of the
5 biennial fee, provided that the licensee satisfies the other
6 requirements of this act.

7 Section 502. Examination.

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

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

25 (c) When conducted.--Examinations shall be conducted at
26 least twice each year.

27 (d) Testing organization.--All written, oral and practical
28 examinations required under this section shall be prepared and
29 administered by a qualified and approved professional testing
30 organization in accordance with section 812.1 of the act of

1 April 9, 1929 (P.L.177, No.175), known as The Administrative
2 Code of 1929, except that the oral and practical examinations
3 shall not be subject to section 812.1 until such examinations
4 are available from a testing organization.

5 (e) Score.--A license shall be granted to an applicant who
6 meets the requirements of this act and who achieves:

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

9 (2) an average score of at least 74.5% on the oral and
10 practical examination and a passing score on the written
11 examination administered by the National Board of
12 Chiropractic Examiners as such passing score is determined by
13 the national board.

14 Section 503. Failure of examination.

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

18 (b) Subsequent examinations.--The board may adopt
19 regulations governing the eligibility of applicants who have
20 failed to pass two examinations to be admitted to subsequent
21 examinations.

22 Section 504. Reciprocity.

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

26 (1) The standards for licensing in such states or
27 provinces are substantially the same as those provided in
28 this act.

29 (2) Similar privileges are accorded persons licensed in
30 this Commonwealth.

1 (3) The applicants hold valid licenses.

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

4 Section 505. Limited license.

5 (a) Requirements.--The following educational and
6 professional requirements must be met in order to secure a
7 limited license which may be issued to an out-of-State or
8 foreign chiropractic college graduate for a period not to exceed
9 one year for the purpose of teaching in an approved graduate
10 chiropractic education program:

11 (1) The applicant must submit a letter of appointment to
12 teach or practice from a training institution in this
13 Commonwealth.

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

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

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

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

30 (c) Use of titles.--The use of titles such as "fellow,"

1 "fellowship," "consultant," "visiting professor" or similar
2 designations of an individual in a health care institution does
3 not eliminate the need for proper licensure under this act for
4 the practice of chiropractic.

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

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

9 (1) Failing to demonstrate the qualifications or
10 standards for a license contained in this act or regulations
11 of the board.

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

14 (3) Practicing fraud or deceit in obtaining a license to
15 practice chiropractic.

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

18 (5) Submitting a false or deceptive biennial
19 registration to the board.

20 (6) Being convicted of a felony in any State or Federal
21 court or being convicted of the equivalent of a felony in any
22 foreign country. As used in this paragraph, the term
23 "convicted" includes a finding or verdict of guilt, an
24 admission of guilt or a plea of nolo contendere.

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

29 (8) Being unable to practice chiropractic with
30 reasonable skill and safety to patients by reason of illness,

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

17 (9) Violating a lawful regulation promulgated by the
18 board or violating a lawful order of the board previously
19 entered in a disciplinary proceeding.

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

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

28 (12) Soliciting any engagement to perform professional
29 services by any direct, in-person or uninvited soliciting
30 through the use of coercion, duress, compulsion,

1 intimidation, threats, overreaching or harassing conduct.

2 (13) Failing to perform any statutory obligation placed
3 upon a licensed chiropractor.

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

7 (15) Failing to maintain chiropractic records in
8 accordance with regulations prescribed by the board.

9 (16) Knowingly permitting radiologic procedures to be
10 performed in violation of section 522, or in violation of the
11 regulations promulgated or orders issued in accordance with
12 section 522.

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

16 (1) Deny the application for a license.

17 (2) Administer a public reprimand.

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

25 (4) Require a licensee to submit to the care, counseling
26 or treatment of a physician or physicians designated by the
27 board.

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

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

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

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

1 board, but in no event longer than 180 days.

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

18 Section 507. Continuing chiropractic education.

19 (a) Requirement for license renewal.--As a condition for the
20 biennial renewal of a license to practice chiropractic, a
21 licensee shall submit to the board evidence that he has
22 completed at least 24 hours of continuing chiropractic education
23 within the immediately preceding two-year period until 1987 and,
24 commencing in 1987, at least 12 hours of continuing chiropractic
25 education within the immediately preceding two-year period.

26 (b) Qualifying education.--A licensee may receive credit for
27 only those hours of continuing chiropractic education in a
28 program approved by the board and for only those hours directed
29 toward keeping the licensee apprised of advancements and new
30 developments in chiropractic which build upon the basic courses

1 required to practice chiropractic and which are in the following
2 areas:

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

17 No credit shall be given for any course in office management or
18 practice building.

19 (c) Application by sponsors.--Prior to receiving board
20 approval for a program of continuing chiropractic education, a
21 sponsor shall submit to the board by registered or certified
22 mail the following information at least 60 days prior to the
23 date on which the program is scheduled to be presented:

24 (1) Evidence that the sponsor's program would be
25 directed toward keeping the licensee apprised of advancements
26 and new developments in chiropractic which build upon the
27 basic courses required to practice chiropractic and which are
28 in the areas specified in subsection (b).

29 (2) A detailed course outline or syllabus, including
30 such items as methods of instruction and testing materials,

1 if any.

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

4 (d) Action on application.--The board shall notify each
5 sponsor by registered or certified mail of approval or
6 disapproval of the application within 30 days of the receipt of
7 the application. If an application is disapproved, the board
8 shall detail the reasons for disapproval in order that the
9 sponsor may cure any defect and submit an amended application in
10 a timely manner.

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

21 (f) Notification.--The board, within 30 days after the
22 effective date of this act, shall notify all licensees subject
23 to this section that they will be required to complete 12 hours
24 of continuing education before the licensing period commencing
25 in 1987 and shall notify such licensees of continuing education
26 required when renewal applications are issued for 1987 and every
27 renewal period thereafter.

28 (g) Approved programs.--A continuing education program
29 offered by a chiropractic school or college approved in
30 accordance with this act and attended by a licensee must be

1 accepted by the board so long as the course requirements of this
2 section are met.

3 (h) Exceptions.--The board may make exceptions to the
4 continuing education program requirements in emergency or
5 hardship cases on the basis of evidence submitted in proof of an
6 emergency or hardship.

7 SUBCHAPTER B

8 GENERAL REGULATION

9 Section 521. License required.

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

22 Section 522. Radiologic procedures.

23 (a) Education and training required.--On and after January
24 1, 1987, no auxiliary personnel shall perform radiologic
25 procedures in the office of a chiropractor unless any such
26 personnel is under the direct supervision of a chiropractor who
27 is on the premises at the time the X-ray of the patient is taken
28 and unless any such personnel has passed an examination approved
29 by the board and administered in accordance with section 812.1
30 of the act of April 9, 1929 (P.L.177, No.175), known as The

1 Administrative Code of 1929. Such examination shall include the
2 following subjects:

- 3 (1) Radiation physics.
- 4 (2) Radiation biology.
- 5 (3) Radiation health and safety protection.
- 6 (4) X-ray films and radiographic film quality.
- 7 (5) Radiographic techniques.
- 8 (6) Dark room and processing techniques.

9 (b) Limitations.--No chiropractic office shall utilize for
10 radiologic procedures more than one such auxiliary personnel per
11 chiropractor practicing in that office.

12 (c) Regulations.--The board shall, by regulation, provide
13 for the exclusion of an auxiliary personnel from performing
14 radiologic procedures if the continued performance of radiologic
15 procedures by the auxiliary personnel is determined by the board
16 to pose a threat to the health, safety or welfare of the public.
17 Section 523. Reporting of multiple licensure.

18 Any licensed chiropractor of this Commonwealth who is also
19 licensed to practice chiropractic in any other state, territory
20 or country shall report this information to the board on the
21 biennial registration application. Any disciplinary action taken
22 in other states must be reported to the board on the biennial
23 registration application. Multiple licensure will be noted on
24 the chiropractor's record and such state, territory or country
25 will be notified of any disciplinary actions taken against said
26 chiropractor in this Commonwealth.

27 Section 524. Display of certificate.

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

1 Section 525. Doctor of Chiropractic and abbreviation.

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

5 Section 526. Relationship with other branches of the healing
6 arts.

7 This act shall not apply either directly or indirectly, by
8 intent or purpose, to affect the practice of any other branch of
9 the healing arts by any person duly licensed by the department
10 to engage in such practice, nor to any person who, as an
11 adherent of a well-recognized religion which uses spiritual
12 means or prayer for healing, practices the healing arts in
13 accordance with its teachings.

14 CHAPTER 7

15 PENALTY PROVISIONS

16 Section 701. Practice of chiropractic without license
17 prohibited.

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

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

24 (2) Practice or hold himself out as a practitioner of
25 spinal manipulation, spinal mobilization or manipulation of
26 articulations of the human body for therapeutic benefit
27 unless he has first fulfilled the requirements of this act
28 and has been licensed by the board or unless he has been
29 licensed or certified in accordance with another act of this
30 Commonwealth.

1 (b) Penalty.--A person who violates this section commits a
2 misdemeanor of the third degree and shall, upon conviction, for
3 a first offense, be sentenced to a fine not to exceed \$1,000, or
4 to imprisonment for not more than six months, or both. A second
5 offense shall be subject to a fine not to exceed \$2,000, or
6 imprisonment for a term of six months to one year, or both.
7 Section 702. Violation of other provisions.

8 A person commits a misdemeanor of the third degree and, upon
9 conviction, shall be sentenced to pay a fine of not more than
10 \$500, or to imprisonment for not more than six months, or both,
11 if he commits any act declared unlawful by any other provision
12 of this act, other than section 701, or if he:

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

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

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

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

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

24 (6) Knowingly aids, assists, procures or advises any
25 unlicensed person to practice chiropractic, contrary to this
26 act or regulations of the board.

27 (7) Commits immoral or unprofessional conduct.

28 Unprofessional conduct shall include any departure from, or
29 failure to conform to, the standards of acceptable and
30 prevailing chiropractic practice. Actual injury to a patient

1 need not be established.

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

6 (9) Fails to perform any statutory obligation placed
7 upon a licensed chiropractor.

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

11 Section 703. Civil penalty.

12 In addition to any other civil remedy or criminal penalty
13 provided for in this act, the board, by a vote of the majority
14 of the maximum number of the authorized membership of the board
15 as provided by law or by a vote of the majority of the duly
16 qualified and confirmed membership or a minimum of four members,
17 whichever is greater, may levy a civil penalty of up to \$1,000
18 on any current licensee who violates any provision of this act
19 or on any person who practices chiropractic without being
20 properly licensed to do so under this act. The board shall levy
21 this penalty only after affording the accused party the
22 opportunity for a hearing, as provided in Title 2 of the
23 Pennsylvania Consolidated Statutes (relating to administrative
24 law and procedure).

25 Section 704. Fines and penalties.

26 All fines and civil penalties imposed in accordance with this
27 chapter shall be paid into the Professional Licensure
28 Augmentation Account.

29

CHAPTER 11

30

MISCELLANEOUS PROVISIONS

1 Section 1101. Fees.

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

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

10 (c) Increase by bureau.--If the bureau determines that the
11 fees established by the board pursuant to subsections (a) and
12 (b) are inadequate to meet the minimum enforcement efforts
13 required by this act, then the bureau, after consultation with
14 the board, shall increase the fees by regulation so that
15 adequate revenues are raised to meet the required enforcement
16 effort.

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

20 Section 1102. Current members of board.

21 Persons who are members of the State Board of Chiropractic
22 Examiners on the effective date of this act, pursuant to the act
23 of August 10, 1951 (P.L.1182, No.264), known as the Chiropractic
24 Registration Act of 1951, shall serve on the State Board of
25 Chiropractic Examiners as provided for in this act until their
26 current terms would have expired or until their successors are
27 duly appointed and qualified but no longer than six months after
28 the expiration of their terms.

29 Section 1103. Current licensees.

30 Any person who holds a valid license issued by the State

1 Board of Chiropractic Examiners under the act of August 10, 1951
2 (P.L.1182, No.264), known as the Chiropractic Registration Act
3 of 1951, prior to the effective date of this amendatory act
4 shall, on and after the effective date hereof, be deemed to be
5 licensed by the State Board of Chiropractic Examiners as
6 provided for in this act.

7 Section 1104. Existing regulations.

8 Each rule, regulation or fee of the board in effect on the
9 effective date of this act shall remain in effect after such
10 date until amended by the board, provided that the board shall
11 immediately initiate the repeal or amendment of any rule or
12 regulation which is inconsistent with the provisions of this
13 act.

14 Section 1105. Reestablishment of agency.

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

19 Section 1106. Repeals.

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

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

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

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

28 Section 1107. Effective date.

29 This act shall take effect January 1, 1986, or immediately,
30 whichever is later.