

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

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 11, 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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29 The General Assembly of the Commonwealth of Pennsylvania
30 hereby enacts as follows:

1 CHAPTER 1

2 PRELIMINARY PROVISIONS

3 Section 101. Short title.

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

6 Section 102. Definitions.

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

10 "Board." The State Board of Chiropractic Examiners.

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

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

<—

~~electricity and sound, if the use of the adjunctive procedure
has been approved by the board and is necessary to the
performance of an adjustment or manipulation and provided either
that such procedure was included in the licensing examination
the chiropractor passed in order to obtain a license to practice
chiropractic in this Commonwealth or that the chiropractor
participates in a board prescribed program of continuing
chiropractic education in the use of such adjunctive procedure.~~

THE TERM SHALL ALSO INCLUDE THE USE OF ADJUNCTIVE PROCEDURES IF
THE USE OF ANY SUCH ADJUNCTIVE PROCEDURE IS NECESSARY TO THE
PERFORMANCE OF AN ADJUSTMENT OR MANIPULATION AND IF EITHER THE
CHIROPRACTOR WAS TAUGHT SUCH ADJUNCTIVE PROCEDURE IN A
CHIROPRACTIC SCHOOL OR COLLEGE AND THE PROCEDURE WAS INCLUDED IN
THE EXAMINATION HE PASSED IN ORDER TO OBTAIN A LICENSE TO
PRACTICE CHIROPRACTIC IN THIS COMMONWEALTH OR THE CHIROPRACTOR
PARTICIPATES IN A BOARD-APPROVED PROGRAM OF CONTINUING
CHIROPRACTIC EDUCATION IN THE USE OF SUCH ADJUNCTIVE PROCEDURE,
EXCEPT THAT NO CHIROPRACTOR MAY USE ANY ADJUNCTIVE PROCEDURE
DURING THE FIRST 18 MONTHS FOLLOWING THE EFFECTIVE DATE OF THIS
SECTION UNLESS SUCH PROCEDURE HAS BEEN APPROVED BY BOARD ACTION
OR SUBSEQUENT TO THOSE FIRST 18 MONTHS UNLESS SUCH PROCEDURE HAS
BEEN APPROVED BY REGULATION. The term shall not include the
practice of obstetrics, gynecology or the reduction of fractures
or major dislocations. The term shall not include needle
acupuncture.

"Chiropractor." A practitioner of chiropractic.

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

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

CHAPTER 3

1 STATE BOARD OF CHIROPRACTIC EXAMINERS

2 Section 301. State Board of Chiropractic Examiners.

3 (a) Establishment and composition.--There is hereby
4 established within the Department of State the State Board of
5 Chiropractic Examiners. The board shall consist of nine members
6 as follows:

7 (1) The commissioner.

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

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

13 (4) Five members, appointed by the Governor with the
14 advice and consent of a majority of the Senate, who are
15 licensed to practice chiropractic under the laws of this
16 Commonwealth and who have been engaged in the full-time
17 practice of chiropractic in this Commonwealth for at least
18 five years immediately preceding their appointment. No member
19 shall be in any manner financially interested in or connected
20 with the faculty or management of any school or college of
21 chiropractic. No member shall be an officer, representative,
22 agent or consultant to a local, state or national
23 professional society or private entity which establishes
24 standards adjudging the practice and fees of licensed members
25 of the chiropractic profession or shall receive any
26 remuneration in any form from such society or entity,
27 directly or indirectly, or shall engage in any activity
28 related to the chiropractic profession for which he receives
29 remuneration in any form or amount, other than in the
30 capacity of treating patients.

1 (b) Term and vacancies.--The term of office of each
2 professional and public member shall be four years from his
3 appointment or until his successor has been duly appointed and
4 qualified according to law but no longer than six months beyond
5 the four-year period. In the event that any member should die or
6 resign during his term of office, his successor shall be
7 appointed in the same way and with the same qualifications as
8 set forth in subsection (a) and shall hold office for the
9 unexpired term.

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

13 (d) Compensation.--Each member of the board other than the
14 commissioner and the Director of the Bureau of Consumer
15 Protection shall receive reimbursement for reasonable traveling,
16 lodging and other necessary expenses and per diem compensation
17 at the rate of \$60 per day for each day of actual service while
18 on board business.

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

24 Section 302. Powers and duties.

25 The board shall have powers and duties as follows:

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

28 (i) who meets the general and educational
29 qualifications of this act and who passes the examination
30 specified by the board; or

1 (ii) who meets the requirements for the issuance of
2 a license by reciprocity or of a limited license, as
3 provided for in this act.

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

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

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

11 (5) To take appropriate actions to initiate injunctive
12 and criminal prosecution proceedings in connection with the
13 unlawful or unauthorized practice of chiropractic or other
14 violations of this act. Injunctive and criminal proceedings
15 shall be instituted in accordance with the act of October 15,
16 1980 (P.L.950, No.164), known as the Commonwealth Attorneys
17 Act.

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

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

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

3 (9) To keep minutes and records of all its transactions
4 and proceedings, especially with relation to the issuance,
5 denial, registration, formal reprimand, suspension and
6 revocation of licenses. In all actions or proceedings in any
7 court, a transcript of any board record or any part thereof,
8 which is certified to be a true copy by the board, shall be
9 entitled to admission in evidence.

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

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

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

25 Section 303. General supervision of chiropractic schools and
26 colleges.

27 ~~(a) Approval of schools and colleges. The board shall~~ <—
28 ~~approve or disapprove the operation of chiropractic schools and~~
29 ~~colleges for the purposes of satisfying the educational~~
30 ~~requirements established in accordance with this act. Such~~

~~chiropractic schools and colleges shall meet the requirements set by the board. The board shall not approve any chiropractic school or college unless that school or college is accredited by an accrediting agency which is recognized by the United States Department of Education or the Council on Post Secondary Accreditation. In carrying out its duties under this section, the board shall have the power to:~~

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

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

(A) APPROVAL OF SCHOOLS AND COLLEGES.--FOR THE PURPOSES OF SATISFYING THE EDUCATIONAL REQUIREMENTS ESTABLISHED IN ACCORDANCE WITH THIS ACT, THE BOARD SHALL APPROVE ANY CHIROPRACTIC SCHOOL OR COLLEGE WHICH IS ACCREDITED BY AN ACCREDITING AGENCY RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION OR THE COUNCIL ON POST-SECONDARY ACCREDITATION, BUT THE BOARD SHALL NOT APPROVE ANY CHIROPRACTIC SCHOOL OR COLLEGE WHICH IS NOT SO ACCREDITED.

(b) Implementation.--This section shall not immediately apply to a chiropractic school or college which is currently approved by the board on the basis of a self-study and inspection of the institution. Such school or college shall have five years from the effective date of this act in which to obtain accreditation from an appropriate agency as provided in this act.

CHAPTER 5

LICENSURE AND REGULATION

1 SUBCHAPTER A

2 LICENSURE

3 Section 501. Applications for license.

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

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

8 (2) Is of good moral character.

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

10 (4) Has completed two years of college or 60 credit
11 hours.

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

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

18 (7) Has not been convicted of a felonious act prohibited
19 by the act of April 14, 1972 (P.L.233, No.64), known as The
20 Controlled Substance, Drug, Device and Cosmetic Act, or
21 convicted of a felony relating to a controlled substance in a
22 court of law of the United States or any other state,
23 territory or country. An applicant's statement on the
24 application declaring the absence of a conviction shall be
25 deemed satisfactory evidence of the absence of a conviction,
26 unless the board has some evidence to the contrary.

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

1 Section 502. Examination.

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

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

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

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

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

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

3 (2) an average score of at least 74.5% on the oral and
4 practical examination and a passing score on the written
5 examination administered by the National Board of
6 Chiropractic Examiners as such passing score is determined by
7 the national board.

8 Section 503. Failure of examination.

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

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

16 Section 504. Reciprocity.

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

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

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

25 (3) The applicants hold valid licenses.

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

28 Section 505. Limited license.

29 (a) Requirements.--The following educational and
30 professional requirements must be met in order to secure a

1 limited license which may be issued to an out-of-State or
2 foreign chiropractic SCHOOL OR college graduate for a period not <—
3 to exceed one year for the purpose of teaching in an approved
4 graduate chiropractic education program:

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

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

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

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

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

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

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

30 (a) Reasons enumerated.--The board may refuse to issue a

1 license or may suspend or revoke a license for any of the
2 following reasons:

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

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

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

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

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

14 (6) Being convicted of a felony in any State or Federal
15 court or being convicted of the equivalent of a felony in any
16 foreign country. As used in this paragraph, the term
17 "convicted" includes a finding or verdict of guilt, an
18 admission of guilt or a plea of nolo contendere.

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

23 (8) Being unable to practice chiropractic with
24 reasonable skill and safety to patients by reason of illness,
25 drunkenness, excessive use of drugs, narcotics, chemicals or
26 any other type of material, or as a result of any mental or
27 physical condition. In enforcing this paragraph, the board
28 shall, upon probable cause, have authority to compel a
29 chiropractor to submit to a mental or physical examination by
30 physicians approved by the board. Failure of a chiropractor

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

11 (9) Violating a lawful regulation promulgated by the
12 board or violating a lawful order of the board previously
13 entered in a disciplinary proceeding.

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

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

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

26 (13) Failing to perform any statutory obligation placed
27 upon a licensed chiropractor.

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

1 (15) Failing to maintain chiropractic records
2 CHRONOLOGICAL DOCUMENTATION OF PATIENT CARE in accordance <—
3 with regulations prescribed by the board.

4 (16) Knowingly permitting radiologic procedures to be
5 performed in violation of section 522, or in violation of the
6 regulations promulgated or orders issued in accordance with
7 section 522.

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

11 (1) Deny the application for a license.

12 (2) Administer a public reprimand.

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

20 (4) Require a licensee to submit to the care, counseling
21 or treatment of a physician or physicians designated by the
22 board.

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

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

29 (c) Procedure.--All actions of the board shall be taken
30 subject to the right of notice, hearing and adjudication and the

1 right of appeal therefrom in accordance with Title 2 of the
2 Pennsylvania Consolidated Statutes (relating to administrative
3 law and procedure).

4 (d) Summary suspension.--The board shall temporarily suspend
5 a license under circumstances as determined by the board to be
6 an immediate and clear danger to the public health or safety.
7 The board shall issue an order to that effect without a hearing,
8 but upon due notice to the licensee concerned at his last known
9 address, which shall include a written statement of all
10 allegations against the licensee. The provisions of subsection
11 (c) shall not apply to temporary suspension. The board shall
12 thereupon commence formal action to suspend, revoke and restrict
13 the license of the person concerned as otherwise provided for in
14 this act. All actions shall be taken promptly and without delay.
15 Within 30 days following the issuance of an order temporarily
16 suspending a license, the board shall conduct, or cause to be
17 conducted, a preliminary hearing to determine that there is a
18 prima facie case supporting the suspension. The licensee whose
19 license has been temporarily suspended may be present at the
20 preliminary hearing and may be represented by counsel, cross-
21 examine witnesses, inspect physical evidence, call witnesses,
22 offer evidence and testimony and make a record of the
23 proceedings. If it is determined that there is not a prima facie
24 case, the suspended license shall be immediately restored. The
25 temporary suspension shall remain in effect until vacated by the
26 board, but in no event longer than 180 days.

27 (e) Automatic suspension.--A license issued under this act
28 shall automatically be suspended upon the legal commitment of a
29 licensee to an institution because of mental incompetency from
30 any cause upon filing with the board a certified copy of such

1 commitment; conviction of a felony under the act of April 14,
2 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,
3 Device and Cosmetic Act; or conviction of an offense under the
4 laws of another jurisdiction, which, if committed in
5 Pennsylvania, would be a felony under The Controlled Substance,
6 Drug, Device and Cosmetic Act. As used in this subsection, the
7 term "conviction" shall include a judgment, an admission of
8 guilt or a plea of nolo contendere. Automatic suspension under
9 this section shall not be stayed pending any appeal of a
10 conviction. Restoration of such license shall be made as
11 provided in this act for revocation or suspension of such
12 license.

13 Section 507. Continuing chiropractic education.

14 (a) Requirement for license renewal.--As a condition for the
15 biennial renewal of a license to practice chiropractic, a
16 licensee shall submit to the board evidence that he has

17 completed at least 24 hours of continuing chiropractic education
18 within the immediately preceding two-year period ~~until 1987 and,~~ <—
19 ~~commencing in 1987, at least 12 hours of continuing chiropractic~~
20 ~~education within the immediately preceding two year period,~~ <—

21 PROVIDED THAT A LICENSEE SHALL BE REQUIRED TO COMPLETE ONLY 12
22 HOURS OF CONTINUING CHIROPRACTIC EDUCATION BEFORE THE LICENSING
23 PERIOD COMMENCING IN 1987.

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

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

15 No credit shall be given for any course in office management or
16 practice building.

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

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

27 (2) A detailed course outline or syllabus, including
28 such items as methods of instruction and testing materials,
29 if any.

30 (3) A current curriculum vitae of each instructor,

1 speaker or lecturer appearing in the program.

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

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

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

26 (g) Approved programs.--A continuing education program
27 offered by a chiropractic school or college approved in
28 accordance with this act and attended by a licensee must be
29 accepted by the board so long as the course requirements of this
30 section are met.

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

5 SUBCHAPTER B

6 GENERAL REGULATION

7 Section 521. License required.

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

20 Section 522. Radiologic procedures.

21 (a) Education and training required.--On and after January
22 1, 1987, no auxiliary personnel shall perform radiologic
23 procedures in the office of a chiropractor unless any such
24 personnel is under the direct supervision of a chiropractor who
25 is on the premises at the time the X-ray of the patient is taken
26 and unless any such personnel has passed an examination approved
27 by the board and administered in accordance with section 812.1
28 of the act of April 9, 1929 (P.L.177, No.175), known as The
29 Administrative Code of 1929. Such examination shall include the
30 following subjects:

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

7 (b) Limitations.--No chiropractic office shall utilize for
8 radiologic procedures more than one such auxiliary personnel per
9 chiropractor practicing in that office AT ANY ONE PARTICULAR <—
10 TIME.

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

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

26 Section 524. Display of certificate.

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

30 Section 525. Doctor of Chiropractic and abbreviation.

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

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

6 This act shall not apply either directly or indirectly, by
7 intent or purpose, to affect the practice of any other branch of
8 the healing arts by any person duly licensed by the department
9 to engage in such practice. ~~nor to any person who, as an~~ <—

10 ~~adherent of a well recognized religion which uses spiritual~~
11 ~~means or prayer for healing, practices the healing arts in~~
12 ~~accordance with its teachings.~~

13 CHAPTER 7

14 PENALTY PROVISIONS

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

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

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

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

30 (b) Penalty.--A person who violates this section commits a

1 misdemeanor of the third degree and shall, upon conviction, for
2 a first offense, be sentenced to a fine not to exceed \$1,000, or
3 to imprisonment for not more than six months, or both. A second
4 offense shall be subject to a fine not to exceed \$2,000, or
5 imprisonment for a term of six months to one year, or both.

6 Section 702. Violation of other provisions.

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

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

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

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

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

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

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

26 (7) Commits immoral or unprofessional conduct.

27 Unprofessional conduct shall include any departure from, or
28 failure to conform to, the standards of acceptable and
29 prevailing chiropractic practice. Actual injury to a patient
30 need not be established.

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

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

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

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

19 Section 1102. Current members of board.

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

28 Section 1103. Current licensees.

29 Any person who holds a valid license issued by the State
30 Board of Chiropractic Examiners under the act of August 10, 1951

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

6 Section 1104. Existing regulations.

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

13 Section 1105. Reestablishment of agency.

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

18 Section 1106. Repeals.

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

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

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

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

27 Section 1107. Effective date.

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