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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1362

Session of  
1985

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

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 25, 1985

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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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30 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 CHAPTER 1

3 PRELIMINARY PROVISIONS

4 Section 101. Short title.

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

7 Section 102. Definitions.

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

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

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

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

1 adjunctive procedures if the use of any such adjunctive  
2 procedure is necessary to the performance of an adjustment or  
3 manipulation ~~and if either~~: Provided, That the chiropractor was <—  
4 taught such adjunctive procedure in a chiropractic school or  
5 college and the procedure was included in the examination he  
6 passed in order to obtain a license to practice chiropractic in  
7 this Commonwealth, or the chiropractor participates in a board-  
8 approved program of continuing chiropractic education in the use  
9 of such adjunctive procedure, ~~except that no~~. NO chiropractor <—  
10 may use any adjunctive procedure during the first 18 months  
11 following the effective date of this section unless such  
12 procedure has been approved by board action or subsequent to  
13 those first 18 months unless such procedure has been approved by  
14 regulation. THE TERM SHALL NOT INCLUDE THE TREATMENT OF MINORS, <—  
15 EXCEPT IN ACCORDANCE WITH GUIDELINES APPROVED BY THE BOARD, FOR  
16 THE FIRST 18 MONTHS FOLLOWING THE EFFECTIVE DATE OF THIS ACT,  
17 AND IN ACCORDANCE WITH REGULATIONS PROMULGATED BY THE BOARD  
18 SUBSEQUENT TO THOSE FIRST 18 MONTHS. The term shall not include  
19 the practice of obstetrics, ~~gynecology or~~ OR GYNECOLOGY, the <—  
20 reduction of fractures or major dislocations. ~~The term shall not~~ <—  
21 ~~include~~, needle acupuncture, THE TREATMENT OF CANCER, THE <—  
22 TREATMENT OF INFECTIOUS OR COMMUNICABLE DISEASE, OR THE USE OF  
23 DRUGS OR SURGERY.

24 "Chiropractor." A practitioner of chiropractic.

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

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

28 CHAPTER 3

29 STATE BOARD OF CHIROPRACTIC EXAMINERS

30 Section 301. State Board of Chiropractic Examiners.

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

5 (1) The commissioner.

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

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

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

29 (b) Term and vacancies.--The term of office of each  
30 professional and public member shall be four years from his

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

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

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

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

22 Section 302. Powers and duties.

23 The board shall have powers and duties as follows:

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

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

29 (ii) who meets the requirements for the issuance of  
30 a license by reciprocity or of a limited license, as

1 provided for in this act.

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

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

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

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

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

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

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

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

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

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

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

23          Section 303. General supervision of chiropractic schools and  
24                                  colleges.

25          (a) Approval of schools and colleges.--For the purposes of  
26          satisfying the educational requirements established in  
27          accordance with this act, the board shall approve any  
28          chiropractic school or college which is accredited by ~~an~~ A  
29          CHIROPRACTIC accrediting agency recognized by the United States  
30          Department of Education or the Council on Post-Secondary

<—



1 Accreditation, but the board shall not approve any chiropractic  
2 school or college which is not so accredited.

3 (b) Implementation.--This section shall not immediately  
4 apply to a chiropractic school or college which is currently  
5 approved by the board on the basis of a self-study and  
6 inspection of the institution, NOR SHALL IT IMMEDIATELY APPLY TO <—  
7 A CHIROPRACTIC SCHOOL OR COLLEGE WHICH CURRENTLY HOLDS STATUS AS  
8 A RECOGNIZED CANDIDATE FOR ACCREDITATION WITH AN APPROPRIATE  
9 ACCREDITING AGENCY, AS REQUIRED BY SUBSECTION (A). Such school  
10 or college shall have five years from the effective date of this  
11 act in which to obtain accreditation from an appropriate agency  
12 as provided in this act.

## 13 CHAPTER 5

### 14 LICENSURE AND REGULATION

#### 15 SUBCHAPTER A

#### 16 LICENSURE

17 Section 501. Applications for license.

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

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

22 (2) Is of good moral character.

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

24 (4) Has completed two years of college or 60 credit  
25 hours.

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

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

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

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

15 Section 502. Examination.

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

25       (b) Nature and content of examination.--The examination  
26 shall be oral, practical and written, upon the principles and  
27 technique of chiropractic and shall include the following  
28 subjects: anatomy, physiology, histology, chemistry, pathology,  
29 physics, bacteriology, diagnosis, hygiene and sanitation,  
30 symptomatology, chiropractic analysis, X-ray, chiropractic

1 principles and a practical demonstration of chiropractic  
2 technique.

3 (c) When conducted.--Examinations shall be conducted at  
4 least twice each year.

5 (d) Testing organization.--All written, oral and practical  
6 examinations required under this section shall be prepared and  
7 administered by a qualified and approved professional testing  
8 organization in accordance with section 812.1 of the act of  
9 April 9, 1929 (P.L.177, No.175), known as The Administrative  
10 Code of 1929, except that the oral and practical examinations  
11 shall not be subject to section 812.1 until such examinations  
12 are available from a testing organization.

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

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

17 (2) an average score of at least 74.5% on the oral and  
18 practical examination and a passing score on the written  
19 examination administered by the National Board of  
20 Chiropractic Examiners as such passing score is determined by  
21 the national board.

22 Section 503. Failure of examination.

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

26 (b) Subsequent examinations.--The board may adopt  
27 regulations governing the eligibility of applicants who have  
28 failed to pass two examinations to be admitted to subsequent  
29 examinations.

30 Section 504. Reciprocity.

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

4 (1) The standards for licensing in such states or  
5 provinces are substantially the same as those provided in  
6 this act.

7 (2) Similar privileges are accorded persons licensed in  
8 this Commonwealth.

9 (3) The applicants hold valid licenses.

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

12 Section 505. Limited license.

13 (a) Requirements.--The following educational and  
14 professional requirements must be met in order to secure a  
15 limited license which may be issued to an out-of-State or  
16 foreign chiropractic school or college graduate for a period not  
17 to exceed one year for the purpose of teaching in an approved  
18 graduate chiropractic education program:

19 (1) The applicant must submit a letter of appointment to  
20 teach or practice from a training institution in this  
21 Commonwealth.

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

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

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

1 (b) License to practice.--Persons granted limited licenses  
2 under this section shall not be authorized to practice  
3 chiropractic in this Commonwealth other than for the purpose of  
4 teaching, which shall not include treatment of patients, and  
5 those persons who subsequently desire to obtain a license for  
6 the practice of chiropractic shall be required to meet the  
7 standards for such license as set forth by regulation.

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

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

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

17 (1) Failing to demonstrate the qualifications or  
18 standards for a license contained in this act or regulations  
19 of the board.

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

22 (3) Practicing fraud or deceit in obtaining a license to  
23 practice chiropractic.

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

26 (5) Submitting a false or deceptive biennial  
27 registration to the board.

28 (6) Being convicted of a felony in any State or Federal  
29 court or being convicted of the equivalent of a felony in any  
30 foreign country. As used in this paragraph, the term

1 "convicted" includes a finding or verdict of guilt, an  
2 admission of guilt or a plea of nolo contendere.

3 (7) Having a license to practice chiropractic suspended,  
4 revoked or refused or receiving other disciplinary action by  
5 the proper chiropractic licensing authority of another state,  
6 territory or country.

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

25 (9) Violating a lawful regulation promulgated by the  
26 board or violating a lawful order of the board previously  
27 entered in a disciplinary proceeding.

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



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

8           (4) Require a licensee to submit to the care, counseling  
9       or treatment of a physician or physicians designated by the  
10      board.

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

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

17      (c) Procedure.--All actions of the board shall be taken  
18      subject to the right of notice, hearing and adjudication and the  
19      right of appeal therefrom in accordance with Title 2 of the  
20      Pennsylvania Consolidated Statutes (relating to administrative  
21      law and procedure).

22      (d) Summary suspension.--The board shall temporarily suspend  
23      a license under circumstances as determined by the board to be  
24      an immediate and clear danger to the public health or safety.

25      The board shall issue an order to that effect without a hearing,  
26      but upon due notice to the licensee concerned at his last known  
27      address, which shall include a written statement of all

28      allegations against the licensee. The provisions of subsection

29      (c) shall not apply to temporary suspension. The board shall

30      thereupon commence formal action to suspend, revoke and restrict



1 the license of the person concerned as otherwise provided for in  
2 this act. All actions shall be taken promptly and without delay.  
3 Within 30 days following the issuance of an order temporarily  
4 suspending a license, the board shall conduct, or cause to be  
5 conducted, a preliminary hearing to determine that there is a  
6 prima facie case supporting the suspension. The licensee whose  
7 license has been temporarily suspended may be present at the  
8 preliminary hearing and may be represented by counsel, cross-  
9 examine witnesses, inspect physical evidence, call witnesses,  
10 offer evidence and testimony and make a record of the  
11 proceedings. If it is determined that there is not a prima facie  
12 case, the suspended license shall be immediately restored. The  
13 temporary suspension shall remain in effect until vacated by the  
14 board, but in no event longer than 180 days.

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

1 Section 507. Continuing chiropractic education.

2 (a) Requirement for license renewal.--As a condition for the  
3 biennial renewal of a license to practice chiropractic, a  
4 licensee shall submit to the board evidence that he has  
5 completed at least 24 hours of continuing chiropractic education  
6 within the immediately preceding two-year period, provided that  
7 a licensee shall be required to complete only 12 hours of  
8 continuing chiropractic education before the licensing period  
9 commencing in 1987.

10 (b) Qualifying education.--A licensee may receive credit for  
11 only those hours of continuing chiropractic education in a  
12 program approved by the board and for only those hours directed  
13 toward keeping the licensee apprised of advancements and new  
14 developments in chiropractic which build upon the basic courses  
15 required to practice chiropractic and which are in the following  
16 areas:

- 17 (1) Anatomy.
- 18 (2) Physiology.
- 19 (3) Histology.
- 20 (4) Chemistry.
- 21 (5) Pathology.
- 22 (6) Physics.
- 23 (7) Bacteriology.
- 24 (8) Diagnosis.
- 25 (9) Hygiene and sanitation.
- 26 (10) Symptomatology.
- 27 (11) Chiropractic analysis.
- 28 (12) X-ray.
- 29 (13) Chiropractic principles.
- 30 (14) Chiropractic technique.

1 No credit shall be given for any course in office management or  
2 practice building.

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

8 (1) Evidence that the sponsor's program would be  
9 directed toward keeping the licensee apprised of advancements  
10 and new developments in chiropractic which build upon the  
11 basic courses required to practice chiropractic and which are  
12 in the areas specified in subsection (b).

13 (2) A detailed course outline or syllabus, including  
14 such items as methods of instruction and testing materials,  
15 if any.

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

18 (d) Action on application.--The board shall notify each  
19 sponsor by registered or certified mail of approval or  
20 disapproval of the application within 30 days of the receipt of  
21 the application. If an application is disapproved, the board  
22 shall detail the reasons for disapproval in order that the  
23 sponsor may cure any defect and submit an amended application in  
24 a timely manner.

25 (e) Evidence of completion.--Each licensee, in order to  
26 qualify for biennial renewal of his license, shall complete a  
27 form provided by the sponsor and supplied by the board which  
28 contains the name of the licensee, business address, name of the  
29 sponsor and instructor, course taken, hours completed, date and  
30 place of the continuing education program offered, and a signed

1 statement sworn and attested to by the licensee that the  
2 licensee was fully in attendance at the program offered and that  
3 the information in such form is true and correct. The licensee  
4 shall be responsible for sending this form to the board.

5 (f) Notification.--The board, within 30 days after the  
6 effective date of this act, shall notify all licensees subject  
7 to this section that they will be required to complete 12 hours  
8 of continuing education before the licensing period commencing  
9 in 1987 and shall notify such licensees of continuing education  
10 required when renewal applications are issued for 1987 and every  
11 renewal period thereafter.

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

17 (h) Exceptions.--The board may make exceptions to the  
18 continuing education program requirements in emergency or  
19 hardship cases on the basis of evidence submitted in proof of an  
20 emergency or hardship.

21 SECTION 508. PROFESSIONAL LIABILITY INSURANCE.

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22 AS A CONDITION FOR THE BIENNIAL RENEWAL OF A LICENSE TO  
23 PRACTICE CHIROPRACTIC IN THIS COMMONWEALTH, A LICENSEE SHALL  
24 SUBMIT TO THE BOARD SATISFACTORY EVIDENCE THAT HE HAS OBTAINED  
25 PROFESSIONAL LIABILITY INSURANCE, OR THAT HE HAS ESTABLISHED  
26 SELF-INSURANCE FOR PROFESSIONAL LIABILITY, IN THE MINIMUM AMOUNT  
27 OF \$100,000 PER OCCURRENCE AND \$300,000 PER ANNUAL AGGREGATE.

28 SUBCHAPTER B

29 GENERAL REGULATION

30 Section 521. License required.

1       It shall be unlawful after the effective date of this act for  
2 any person in this Commonwealth to engage in the practice of  
3 chiropractic or indicate in any manner whatsoever the ability to  
4 practice chiropractic unless licensed under the provisions of  
5 this act, except that any person licensed or legally authorized  
6 to practice chiropractic in this Commonwealth under any other  
7 act shall thereafter continue to possess the same rights and  
8 privileges with respect to the practice of chiropractic without  
9 being required to be licensed anew under the provisions of this  
10 act, and as fully as if he were licensed under the provisions of  
11 this act; and to that extent, he shall be exempt from any  
12 penalties under this act.

13 Section 522. Radiologic procedures.

14       (a) Education and training required.--On and after January  
15 1, 1987, no auxiliary personnel shall perform radiologic  
16 procedures in the office of a chiropractor unless any such  
17 personnel is under the direct supervision of a chiropractor who  
18 is on the premises at the time the X-ray of the patient is taken  
19 and unless any such personnel has passed an examination approved  
20 by the board and administered in accordance with section 812.1  
21 of the act of April 9, 1929 (P.L.177, No.175), known as The  
22 Administrative Code of 1929. Such examination shall include the  
23 following subjects:

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

30       (b) Limitations.--No chiropractic office shall utilize for

1 radiologic procedures more than one such auxiliary personnel per  
2 chiropractor practicing in that office at any one particular  
3 time.

4 (c) Regulations.--The board shall, by regulation, provide  
5 for the exclusion of an auxiliary personnel from performing  
6 radiologic procedures if the continued performance of radiologic  
7 procedures by the auxiliary personnel is determined by the board  
8 to pose a threat to the health, safety or welfare of the public.  
9 Section 523. Reporting of multiple licensure.

10 Any licensed chiropractor of this Commonwealth who is also  
11 licensed to practice chiropractic in any other state, territory  
12 or country shall report this information to the board on the  
13 biennial registration application. Any disciplinary action taken  
14 in other states must be reported to the board on the biennial  
15 registration application. Multiple licensure will be noted on  
16 the chiropractor's record and such state, territory or country  
17 will be notified of any disciplinary actions taken against said  
18 chiropractor in this Commonwealth.

19 Section 524. Display of certificate.

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

23 Section 525. Doctor of Chiropractic and abbreviation.

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

27 Section 526. Relationship with other branches of the healing  
28 arts.

29 This act shall not apply either directly or indirectly, by  
30 intent or purpose, to affect the practice of any other branch of

1 the healing arts by any person duly licensed by the department  
2 to engage in such practice.

3 CHAPTER 7

4 PENALTY PROVISIONS

5 Section 701. Practice of chiropractic without license  
6 prohibited.

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

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

13 (2) Practice or hold himself out as a practitioner of  
14 spinal ADJUSTMENT OR manipulation, spinal mobilization or <—  
15 manipulation of articulations of the human body for  
16 therapeutic benefit unless he has first fulfilled the  
17 requirements of this act and has been licensed by the board  
18 or unless he has been licensed or certified in accordance  
19 with another act of this Commonwealth.

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

26 Section 702. Violation of other provisions.

27 A person commits a misdemeanor of the third degree and, upon  
28 conviction, shall be sentenced to pay a fine of not more than  
29 \$500, or to imprisonment for not more than six months, or both,  
30 if he commits any act declared unlawful by any other provision

1 of this act, other than section 701, or if he:

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

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

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

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

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

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

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

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

25 (9) Fails to perform any statutory obligation placed  
26 upon a licensed chiropractor.

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

30 (11) KNOWINGLY PERMITS RADIOLOGIC PROCEDURES TO BE

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1 PERFORMED IN VIOLATION OF SECTION 522 OR IN VIOLATION OF THE  
2 REGULATIONS PROMULGATED IN ORDERS ISSUED IN ACCORDANCE WITH  
3 SECTION 522.

4 (12) UNCONDITIONALLY GUARANTEES THAT A CURE WILL RESULT  
5 FROM THE PERFORMANCE OF CHIROPRACTIC TREATMENT.

6 (13) HOLDS ONESELF OUT AS A SPECIALIST IN THE  
7 DEVELOPMENT, TREATMENT OR HEALTH OF CHILDREN.

8 Section 703. Civil penalty.

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

22 Section 704. Fines and penalties.

23 All fines and civil penalties imposed in accordance with this  
24 chapter shall be paid into the Professional Licensure  
25 Augmentation Account.

## 26 CHAPTER 11

### 27 MISCELLANEOUS PROVISIONS

28 Section 1101. Fees.

29 (a) Adoption.--The board shall, by regulation, fix the fees  
30 required for examination, licensure, renewal of licenses and

1 limited licenses.

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

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

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

17 Section 1102. Current members of board.

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

26 Section 1103. Current licensees.

27 Any person who holds a valid license issued by the State  
28 Board of Chiropractic Examiners under the act of August 10, 1951  
29 (P.L.1182, No.264), known as the Chiropractic Registration Act  
30 of 1951, prior to the effective date of this amendatory act

1 shall, on and after the effective date hereof, be deemed to be  
2 licensed by the State Board of Chiropractic Examiners as  
3 provided for in this act.

4 Section 1104. Existing regulations.

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

11 Section 1105. Reestablishment of agency.

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

16 Section 1106. Repeals.

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

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

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

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

25 Section 1107. Effective date.

26 This act shall take effect January 1, 1986, or immediately,  
27 whichever is later.