
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 AMENDED ON THIRD CONSIDERATION, IN SENATE, SEPTEMBER 23, 1986

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~~ COLLEGES of chiropractic, for the <—
6 examination of applicants, for enforcement and for
7 disciplinary actions; providing penalties; and making
8 repeals.

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8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 CHAPTER 1

11 PRELIMINARY PROVISIONS

12 Section 101. Short title.

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

15 Section 102. Definitions.

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

19 "Board." The State Board of Chiropractic ~~Examiners~~. <—

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

22 ~~"Chiropractic." A limited science of the healing arts <—~~
23 ~~dealing with the relationship between the articulations of the~~
24 ~~vertebral column, as well as other articulations, and the neuro-~~
25 ~~musculo-skeletal system and the role of these relationships in~~
26 ~~the restoration and maintenance of health. The term shall~~
27 ~~include systems of locating misaligned or displaced vertebrae of~~
28 ~~the human spine and other articulations; the examination~~
29 ~~preparatory to the adjustment or manipulation and the adjustment~~
30 ~~or manipulation of such misaligned or displaced vertebrae and~~

1 ~~other articulations; the use of board approved scientific~~
2 ~~instruments of analysis, including X ray, as taught in the~~
3 ~~approved schools and colleges of chiropractic. The term shall~~
4 ~~also include diagnosis, provided that such diagnosis is~~
5 ~~necessary to determine what, if any, chiropractic treatment is~~
6 ~~appropriate. The term shall also include the use of adjunctive~~
7 ~~procedures if the use of any such adjunctive procedure is~~
8 ~~necessary to the performance of an adjustment or manipulation.~~
9 ~~Provided, That the chiropractor was taught such adjunctive~~
10 ~~procedure in a chiropractic school or college and the procedure~~
11 ~~was included in the examination he passed in order to obtain a~~
12 ~~license to practice chiropractic in this Commonwealth, or the~~
13 ~~chiropractor participates in a board approved program of~~
14 ~~continuing chiropractic education in the use of such adjunctive~~
15 ~~procedure. No chiropractor may use any adjunctive procedure~~
16 ~~during the first 18 months following the effective date of this~~
17 ~~section unless such procedure has been approved by board action~~
18 ~~or subsequent to those first 18 months unless such procedure has~~
19 ~~been approved by regulation. The term shall not include the~~
20 ~~treatment of minors, except in accordance with guidelines~~
21 ~~approved by the board, for the first 18 months following the~~
22 ~~effective date of this act, and in accordance with regulations~~
23 ~~promulgated by the board subsequent to those first 18 months.~~
24 ~~The term shall not include the practice of obstetrics or~~
25 ~~gynecology, the reduction of fractures or major dislocations,~~
26 ~~needle acupuncture, the treatment of cancer, the treatment of~~
27 ~~infectious or communicable disease, or the use of drugs or~~
28 ~~surgery.~~

29 ~~"CHIROPRACTIC." A LIMITED SCIENCE OF THE HEALING ARTS~~
30 ~~DEALING WITH THE RELATIONSHIP BETWEEN THE ARTICULATIONS OF THE~~

<—

1 VERTEBRAL COLUMN, AS WELL AS OTHER ARTICULATIONS, AND THE
2 NERVOUS SYSTEM AND THE ROLE OF THESE RELATIONSHIPS IN THE
3 RESTORATION AND MAINTENANCE OF HEALTH. THE TERM SHALL INCLUDE
4 CHIROPRACTIC DIAGNOSIS; A SYSTEM OF LOCATING MISALIGNED OR
5 DISPLACED VERTEBRAE OF THE HUMAN SPINE AND OTHER ARTICULATIONS;
6 THE EXAMINATION PREPARATORY TO AND THE ADJUSTMENT OF SUCH
7 MISALIGNED OR DISPLACED VERTEBRAE AND OTHER ARTICULATIONS; THE
8 FURNISHING OF NECESSARY PATIENT CARE FOR THE RESTORATION AND
9 MAINTENANCE OF HEALTH AND THE USE OF SCIENTIFIC INSTRUMENTS OF
10 ANALYSIS, AS TAUGHT IN THE APPROVED SCHOOLS AND COLLEGES OF
11 CHIROPRACTIC, WITHOUT THE USE OF EITHER DRUGS OR SURGERY. THE
12 TERM SHALL NOT INCLUDE THE PRACTICE OF OBSTETRICS OR REDUCTION
13 OF FRACTURES OR MAJOR DISLOCATIONS.

14 "CERTIFICATION." THE APPROVAL BY THE BOARD OF LICENSEES TO <—
15 ENGAGE IN THE PRACTICE OF PHYSIOLOGICAL THERAPEUTIC PROCEDURES
16 AND OF INDIVIDUALS TO SERVE AS CHIROPRACTIC RADIOLOGIC
17 TECHNICIANS. IT SHALL ALSO MEAN THE APPROVAL OF PROGRAMS BY THE
18 BOARD FOR THE TRAINING AND EDUCATION OF CHIROPRACTIC RADIOLOGIC
19 TECHNICIANS.

20 "CHIROPRACTIC." A DISCIPLINE OF THE HEALING ARTS HAVING FOR
21 ITS OBJECTIVE THE RESTORATION AND PRESERVATION OF HEALTH IN
22 HUMANS, BASED ON THE PRINCIPLE THAT THE NEUROMUSCULOSKELETAL
23 EFFECTS OF STRUCTURE ON FUNCTION ARE INTEGRALLY RELATED TO THE
24 RECUPERATIVE ABILITY AND HOMEOSTASIS OF THE HUMAN BODY. THE TERM
25 SHALL INCLUDE DIAGNOSTIC AND TREATMENT PROCEDURES TAUGHT IN
26 CHIROPRACTIC COLLEGES APPROVED BY THE BOARD, INCLUDING
27 MANIPULATION AND ADJUSTMENT OF ARTICULATIONS AND ADJACENT
28 TISSUES OF THE HUMAN BODY, PARTICULARLY THE SPINAL COLUMN, AND
29 OTHER MUSCULOSKELETAL ARTICULATIONS, NUTRITIONAL AND
30 PHYSIOLOGICAL THERAPEUTIC PROCEDURES AS NECESSARY PATIENT CARE

1 AND REHABILITATIVE AND SUPPORTIVE THERAPEUTIC PROCEDURES
2 ADMINISTERED WITH DUE REGARD FOR HYGIENE AND SANITATION IN
3 OBSERVANCE OF THE LAWS OF THIS COMMONWEALTH RELATING TO HEALTH
4 AND PROFESSIONAL REPORTING AND DESIGNED TO ASSIST IN THE
5 RESTORATION AND MAINTENANCE OF HEALTH IN HUMANS. THE TERM SHALL
6 NOT INCLUDE THE USE OF DRUGS OR SURGERY.

7 "Chiropractor." A practitioner of chiropractic.

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

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

11 "DIAGNOSIS." THE USE OF BOARD-APPROVED SCIENTIFIC <—
12 INSTRUMENTS OF ANALYSIS, INCLUDING X-RAY AND OTHER EVALUATIVE
13 PROCEDURES.

14 CHAPTER 3

15 STATE BOARD OF CHIROPRACTIC ~~EXAMINERS~~ <—

16 Section 301. State Board of Chiropractic ~~Examiners~~. <—

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

21 (1) The commissioner.

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

24 (3) Two members representing the general public who
25 shall be appointed by the Governor with the advice and
26 consent of a majority of the MEMBERS ELECTED TO THE Senate. <—

27 (4) Five members, appointed by the Governor with the
28 advice and consent of a majority of the MEMBERS ELECTED TO <—
29 THE Senate, who are licensed to practice chiropractic under
30 the laws of this Commonwealth and who have been engaged in

1 the full-time practice of chiropractic in this Commonwealth
2 for at least five years immediately preceding their
3 appointment. No member shall be in any manner financially
4 interested in or connected with the faculty or management of
5 any school or college of chiropractic. No member shall be an
6 officer, representative, agent or consultant to a local,
7 state or national professional society or private entity
8 which establishes standards adjudging the practice and fees
9 of licensed members of the chiropractic profession or shall
10 receive any remuneration in any form from such society or
11 entity, directly or indirectly, or shall engage in any
12 activity related to the chiropractic profession for which he
13 receives remuneration in any form or amount, other than in
14 the capacity of treating patients. NOT MORE THAN TWO MEMBERS <—

15 ~~OF THE BOARD SHALL BE GRADUATES OF ANY ONE SCHOOL OR COLLEGE~~
16 ~~OF CHIROPRACTIC.~~

17 (b) Term and vacancies.--The term of office of each
18 professional and public member shall be four years from his
19 appointment or until his successor has been duly appointed and
20 qualified according to law but no longer than six months beyond
21 the four-year period. In the event that any member should die or
22 resign OR OTHERWISE BECOME DISQUALIFIED during his term of <—
23 office, his successor shall be appointed in the same way and
24 with the same qualifications as set forth in subsection (a) and
25 shall hold office for the unexpired term. NO MEMBER SHALL BE <—
26 ELIGIBLE FOR APPOINTMENT TO SERVE MORE THAN TWO CONSECUTIVE
27 TERMS.

28 (c) Quorum and officers.--~~Five members of the board~~ A <—
29 MAJORITY OF THE MEMBERS OF THE BOARD SERVING IN ACCORDANCE WITH
30 LAW shall constitute a quorum FOR PURPOSES OF CONDUCTING THE <—

1 BUSINESS OF THE BOARD. EXCEPT FOR TEMPORARY AND AUTOMATIC
2 SUSPENSIONS UNDER SECTION 506, A MEMBER MAY NOT BE COUNTED AS
3 PART OF A QUORUM OR VOTE ON ANY ISSUE UNLESS HE IS PHYSICALLY IN
4 ATTENDANCE AT THE MEETING. The board shall annually select, from
5 among its members, a chairman and a secretary.

6 (d) Compensation.--Each member of the board other than the
7 commissioner and the Director of the Bureau of Consumer
8 Protection shall receive ~~reimbursement for reasonable traveling,~~ <—
9 ~~lodging and other necessary expenses and per diem compensation~~
10 ~~at the rate of \$60 per day for each day of actual service while~~
11 ~~on board business~~ \$60 PER DIEM WHEN ACTUALLY ATTENDING TO THE <—
12 WORK OF THE BOARD. MEMBERS SHALL ALSO RECEIVE THE AMOUNT OF
13 REASONABLE TRAVELING, HOTEL AND OTHER EXPENSES INCURRED IN THE
14 PERFORMANCE OF THEIR DUTIES IN ACCORDANCE WITH COMMONWEALTH
15 REGULATIONS.

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

21 (F) ATTENDANCE AT TRAINING SEMINARS.--A PUBLIC MEMBER WHO <—
22 FAILS TO ATTEND TWO CONSECUTIVE STATUTORILY MANDATED TRAINING
23 SEMINARS IN ACCORDANCE WITH SECTION 813(E) OF THE ACT OF APRIL
24 9, 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF
25 1929, SHALL FORFEIT HIS SEAT UNLESS THE COMMISSIONER, UPON
26 WRITTEN REQUEST FROM THE PUBLIC MEMBER, FINDS THAT THE PUBLIC
27 MEMBER SHOULD BE EXCUSED FROM A MEETING BECAUSE OF ILLNESS OR
28 THE DEATH OF A FAMILY MEMBER.

29 Section 302. Powers and duties.

30 The board shall have powers and duties as follows:

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

3 (i) who meets the general and educational
4 qualifications of this act and who passes the examination
5 specified by the board; or

6 (ii) who meets the requirements for the issuance of
7 a license by reciprocity or of a limited license, as
8 provided for in this act.

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

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

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

16 (5) To take appropriate actions to initiate injunctive
17 and criminal prosecution proceedings in connection with the
18 unlawful or unauthorized practice of chiropractic or other
19 violations of this act. Injunctive and criminal proceedings
20 shall be instituted in accordance with the act of October 15,
21 1980 (P.L.950, No.164), known as the Commonwealth Attorneys
22 Act.

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

29 (7) To conduct hearings and make adjudications,
30 including adjudications involving disciplinary actions. The

1 board may conduct such hearings or may designate a member of
2 the board or utilize a qualified hearing examiner to conduct
3 such hearings and to prepare adjudications, including
4 adjudications involving disciplinary actions, for final
5 revision and approval by the board.

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

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

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

20 (11) To submit annually a report to the Professional
21 Licensure Committee of the House of Representatives and to
22 the Consumer Protection and Professional Licensure Committee
23 of the Senate CONTAINING a description of the types of <—
24 complaints received, status of cases, board action which has
25 been taken and the length of time from the initial complaint
26 to final board resolution.

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

30 (13) TO ISSUE SUBPOENAS, UPON APPLICATION OF AN ATTORNEY <—

1 RESPONSIBLE FOR REPRESENTING THE COMMONWEALTH IN DISCIPLINARY
2 MATTERS BEFORE THE BOARD, FOR THE PURPOSE OF INVESTIGATING
3 ALLEGED VIOLATIONS OF THE DISCIPLINARY PROVISIONS
4 ADMINISTERED BY THE BOARD. THE BOARD SHALL HAVE THE POWER TO
5 SUBPOENA WITNESSES, TO ADMINISTER OATHS, TO EXAMINE WITNESSES
6 AND TO TAKE TESTIMONY OR COMPEL THE PRODUCTION OF BOOKS,
7 RECORDS, PAPERS AND DOCUMENTS AS IT MAY DEEM NECESSARY OR
8 PROPER IN AND PERTINENT TO ANY PROCEEDING, INVESTIGATION OR
9 HEARING HELD BY IT. CHIROPRACTIC RECORDS MAY NOT BE
10 SUBPOENAED WITHOUT CONSENT OF THE PATIENT OR WITHOUT ORDER OF
11 A COURT OF COMPETENT JURISDICTION ON A SHOWING THAT THE
12 RECORDS ARE REASONABLY NECESSARY FOR THE CONDUCT OF THE
13 INVESTIGATION. THE COURT MAY IMPOSE SUCH LIMITATIONS ON THE
14 SCOPE OF THE SUBPOENA AS ARE NECESSARY TO PREVENT UNNECESSARY
15 INTRUSION INTO PATIENT CONFIDENTIAL INFORMATION. THE BOARD IS
16 AUTHORIZED TO APPLY TO COMMONWEALTH COURT TO ENFORCE ITS
17 SUBPOENAS.

18 ~~Section 303. General supervision of chiropractic schools and~~ <—
19 ~~colleges.~~

20 ~~(a) Approval of schools and colleges. For the purposes of~~
21 ~~satisfying the educational requirements established in~~
22 ~~accordance with this act, the board shall approve any~~
23 ~~chiropractic school or college which is accredited by a~~
24 ~~chiropractic accrediting agency recognized by the United States~~
25 ~~Department of Education or the Council on Post Secondary~~
26 ~~Accreditation, but the board shall not approve any chiropractic~~
27 ~~school or college which is not so accredited.~~

28 ~~(b) Implementation. This section shall not immediately~~
29 ~~apply to a chiropractic school or college which is currently~~
30 ~~approved by the board on the basis of a self study and~~

1 ~~inspection of the institution, nor shall it immediately apply to~~
2 ~~a chiropractic school or college which currently holds status as~~
3 ~~a recognized candidate for accreditation with an appropriate~~
4 ~~accrediting agency, as required by subsection (a). Such school~~
5 ~~or college shall have five years from the effective date of this~~
6 ~~act in which to obtain accreditation from an appropriate agency~~
7 ~~as provided in this act.~~

8 ~~SECTION 303. GENERAL SUPERVISION OF CHIROPRACTIC SCHOOLS.~~ <—

9 ~~(A) ACCREDITATION. FOR THE PURPOSES OF SATISFYING THE~~
10 ~~EDUCATIONAL REQUIREMENTS ESTABLISHED IN ACCORDANCE WITH THIS~~
11 ~~ACT, THE BOARD SHALL APPROVE ANY CHIROPRACTIC SCHOOL OR COLLEGE~~
12 ~~WHICH IS ACCREDITED BY A CHIROPRACTIC ACCREDITING AGENCY OR~~
13 ~~REGIONAL ACCREDITING AGENCY RECOGNIZED BY THE UNITED STATES~~
14 ~~DEPARTMENT OF EDUCATION OR THE COUNCIL ON POST SECONDARY~~
15 ~~ACCREDITATION, BUT THE BOARD SHALL NOT APPROVE ANY CHIROPRACTIC~~
16 ~~SCHOOL OR COLLEGE WHICH IS NOT SO ACCREDITED.~~

17 ~~(B) IMPLEMENTATION. A CHIROPRACTIC COLLEGE WHICH IS NOT~~
18 ~~ACCREDITED IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (A)~~
19 ~~SHALL HAVE FIVE YEARS FROM THE EFFECTIVE DATE OF THIS ACT IN~~
20 ~~WHICH TO OBTAIN ACCREDITATION FROM AN APPROPRIATE AGENCY AS~~
21 ~~PROVIDED IN THIS ACT.~~

22 ~~SECTION 303. APPROVAL OF CHIROPRACTIC COLLEGES.~~ <—

23 ~~(A) APPROVAL OF COLLEGES.--THE BOARD SHALL APPROVE ANY~~
24 ~~CHIROPRACTIC COLLEGE WHICH IS ACCREDITED BY A CHIROPRACTIC~~
25 ~~ACCREDITING AGENCY RECOGNIZED BY THE UNITED STATES DEPARTMENT OF~~
26 ~~EDUCATION OR THE COUNCIL ON POST-SECONDARY ACCREDITATION, BUT~~
27 ~~THE BOARD SHALL NOT APPROVE ANY CHIROPRACTIC COLLEGE WHICH IS~~
28 ~~NOT SO ACCREDITED.~~

29 ~~(B) CONTINUATION OF COLLEGES PENDING ACCREDITATION.--ANY~~
30 ~~COLLEGE WHICH IS NOT ACCREDITED AS PROVIDED IN SUBSECTION (A)~~

1 BUT WHICH HAS BEEN APPROVED BY THE BOARD ON THE BASIS OF A SELF-
2 STUDY AND INSPECTION OR HAS CURRENT STATUS AS A RECOGNIZED
3 CANDIDATE FOR ACCREDITATION AS PROVIDED IN SUBSECTION (A) SHALL
4 HAVE FIVE YEARS IN WHICH TO OBTAIN ACCREDITATION AS PROVIDED IN
5 SUBSECTION (A). SUCH COLLEGES SHALL CONTINUE TO OFFER
6 CHIROPRACTIC TRAINING AND EDUCATION SUBJECT TO THE APPROVAL OF
7 THE BOARD. THE BOARD SHALL SET EDUCATIONAL STANDARDS FOR SUCH
8 COLLEGES AND SHALL PERIODICALLY ASCERTAIN, BY INSPECTION AND
9 OTHERWISE, THE QUALITY OF INSTRUCTION AND FACILITIES POSSESSED
10 BY SUCH COLLEGES.

11 (C) FAILURE TO OBTAIN APPROVAL.--ANY CHIROPRACTIC COLLEGE
12 WHICH IS NOT ACCREDITED AS PROVIDED IN SUBSECTION (A) OR WHICH,
13 IN THE JUDGMENT OF THE BOARD, FAILS TO PROVIDE PROPER FACILITIES
14 OR TO MAINTAIN THE MINIMUM REQUIREMENTS FOR APPROVAL SHALL BE
15 DULY NOTIFIED OF SUCH FAILURE. UNTIL SUCH DEFICIENCIES ARE
16 CORRECTED, GRADUATES OF A COLLEGE WHICH IS NOT ACCREDITED OR
17 APPROVED IN ACCORDANCE WITH THIS SECTION SHALL BE INELIGIBLE FOR
18 LICENSURE IN THIS COMMONWEALTH.

19 SECTION 304. QUALIFICATIONS FOR CERTIFICATION TO ENGAGE IN THE
20 PRACTICE OF PHYSIOLOGICAL THERAPEUTIC PROCEDURES.

21 A LICENSEE APPLYING TO THE BOARD FOR CERTIFICATION TO ENGAGE
22 IN THE PRACTICE OF PHYSIOLOGICAL THERAPEUTIC PROCEDURES SHALL
23 SUBMIT AN APPLICATION TO THE BOARD ON FORMS PROVIDED BY THE
24 BOARD, SHOWING TO THE SATISFACTION OF THE BOARD THAT THE
25 LICENSEE:

26 (1) HAS PASSED AN EXAMINATION IN AN APPROVED CURRICULUM
27 OFFERED BY A CHIROPRACTIC COLLEGE;

28 (2) HAS COMPLETED A MINIMUM OF 100 HOURS OF STUDY IN THE
29 PRACTICE OF PHYSIOLOGICAL THERAPEUTIC PROCEDURES, AS APPROVED
30 BY THE BOARD; OR

(3) (I) HAS PRACTICED PHYSIOLOGICAL THERAPEUTIC
PROCEDURES FOR THREE YEARS IMMEDIATELY PRECEDING THE
EFFECTIVE DATE OF THIS ACT; AND
(II) IS LICENSED AND CURRENTLY REGISTERED UNDER THIS
ACT.

CHAPTER 5
LICENSURE AND REGULATION
SUBCHAPTER A
LICENSURE

Section 501. Applications for license.

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

- (1) Is 21 years of age or older.
- (2) Is of good moral character.
- (3) Has a high school diploma or its equivalent.
- (4) Has completed two years of college or 60 credit
hours.
- (5) Has graduated from an approved school or college of
chiropractic, with successful completion of not less than the
minimum number of hours of classroom and laboratory
instruction required by regulation of the board, which
minimum shall be at least 4,000 hours.
- (6) Has passed the examination required under this act.
- (7) Has not been convicted of a felonious act prohibited
by the act of April 14, 1972 (P.L.233, No.64), known as The
Controlled Substance, Drug, Device and Cosmetic Act, or
~~convicted of a felony relating to a controlled substance in a~~
~~court of law of the United States or any other state,~~
~~territory or country~~ OF AN OFFENSE UNDER THE LAWS OF ANOTHER

JURISDICTION WHICH IF COMMITTED IN THIS COMMONWEALTH WOULD BE
A FELONY UNDER THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND
COSMETIC ACT, UNLESS THE APPLICANT SATISFIES ALL OF THE
FOLLOWING CRITERIA:

(I) AT LEAST TEN YEARS HAVE ELAPSED FROM THE DATE OF
CONVICTION.

(II) SATISFACTORILY DEMONSTRATES TO THE BOARD THAT
HE HAS MADE SIGNIFICANT PROGRESS IN PERSONAL
REHABILITATION SINCE THE CONVICTION SUCH THAT LICENSURE
OF THE APPLICANT SHOULD NOT BE EXPECTED TO CREATE A
SUBSTANTIAL RISK OF HARM TO THE HEALTH AND SAFETY OF HIS
PATIENTS OR THE PUBLIC OR A SUBSTANTIAL RISK OF FURTHER
CRIMINAL VIOLATIONS.

(III) SATISFIES THE QUALIFICATIONS CONTAINED IN THIS
ACT.

An applicant's statement on the application declaring the
absence of a conviction shall be deemed satisfactory evidence
of the absence of a conviction, unless the board has some
evidence to the contrary. AS USED IN THIS SECTION, THE TERM
"CONVICTED" SHALL INCLUDE A JUDGMENT, AN ADMISSION OF GUILT
OR A PLEA OF NOLO CONTENDERE.

(b) Renewal of licenses.--A license ~~may~~ SHALL be renewed
biennially for a period of two years upon payment of the
biennial fee, provided that the licensee satisfies the other
requirements of this act. ANY PERSON WHO HAS FAILED TO RENEW HIS
LICENSE FOR A PERIOD OF LONGER THAN FIVE YEARS SHALL BE REQUIRED
TO APPLY FOR A LICENSE IN ACCORDANCE WITH SECTION 501(A) IF HE
DESIRES TO RESUME PRACTICING CHIROPRACTIC.

Section 502. Examination.

(a) Admission.--The board shall admit to a standard

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

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

17 (c) When conducted.--Examinations shall be conducted at
18 least twice each year.

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

27 (e) Score.--A license shall be granted to an applicant who
28 meets the requirements of this act and who achieves+: <—

29 ~~(1) an overall score of at least 75% on the entire~~ <—
30 ~~examination; or~~

~~(2) an average score of at least 74.5% on the oral and
practical examination and a passing score on the written
examination administered by the National Board of
Chiropractic Examiners as such passing score is determined by
the national board. A GENERAL AVERAGE OF NOT LESS THAN 75% OF
A MAXIMUM OF 100.~~

(1) AN OVERALL SCORE OF AT LEAST 75% ON THE ENTIRE
EXAMINATION; OR

(2) AN AVERAGE SCORE OF AT LEAST 75% ON THE ORAL AND
PRACTICAL EXAMINATION AND A PASSING SCORE ON THE WRITTEN
EXAMINATION ADMINISTERED BY THE NATIONAL BOARD OF
CHIROPRACTIC EXAMINERS AS SUCH PASSING SCORE IS DETERMINED BY
THE NATIONAL BOARD.

Section 503. Failure of examination.

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

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

Section 504. Reciprocity.

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

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

(2) Similar privileges are accorded persons licensed in
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 school or college graduate for a period not
9 to exceed one year for the purpose of teaching in an approved
10 graduate 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~~ OR A <—
25 MISDEMEANOR IN THE PRACTICE OF CHIROPRACTIC, OR RECEIVING
26 PROBATION WITHOUT VERDICT, DISPOSITION IN LIEU OF TRIAL OR AN
27 ACCELERATED REHABILITATIVE DISPOSITION IN THE DISPOSITION OF
28 FELONY CHARGES, IN THE COURTS OF THIS COMMONWEALTH, A FEDERAL
29 COURT, OR A COURT OF ANY OTHER STATE, TERRITORY, POSSESSION
30 OR COUNTRY.

1 failure to conform to, the standards of acceptable and
2 prevailing chiropractic practice. Actual injury to a patient
3 need not be established.

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

8 (13) Failing to perform any statutory obligation placed
9 upon a licensed chiropractor.

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

13 ~~(15) Failing to maintain chronological documentation of~~ <—
14 ~~patient care in accordance with regulations prescribed by the~~
15 ~~board.~~

16 ~~(16) Knowingly permitting radiologic procedures to be~~
17 ~~performed in violation of section 522, or in violation of the~~
18 ~~regulations promulgated or orders issued in accordance with~~
19 ~~section 522.~~

20 ~~(17) Unconditionally guaranteeing that a cure will~~
21 ~~result from the performance of chiropractic treatment.~~

22 ~~(18) Holding oneself out as a specialist in the~~
23 ~~development, treatment or health of children.~~

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

27 (1) Deny the application for a license.

28 (2) Administer a public reprimand.

29 (3) Revoke, suspend, limit or otherwise restrict a
30 license as determined by the board. Unless ordered to do so

1 by a court, the board shall not reinstate the license of a
2 person to practice chiropractic which has been revoked, and
3 such person shall be required to apply for a license after a
4 five-year period in accordance with section 501 if he desires
5 to practice at any time after such revocation.

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

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

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

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

20 (d) ~~Summary~~ TEMPORARY suspension.--The board shall <—
21 temporarily suspend a license under circumstances as determined
22 by the board to be an immediate and clear danger to the public
23 health or safety. The board shall issue an order to that effect
24 without a hearing, but upon due notice to the licensee concerned
25 at his last known address, which shall include a written
26 statement of all allegations against the licensee. The
27 provisions of subsection (c) shall not apply to temporary
28 suspension. The board shall thereupon commence formal action to
29 suspend, revoke ~~and~~ OR restrict the license of the person <—
30 concerned as otherwise provided for in this act. All actions

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

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

30 ~~Section 507. Continuing chiropractic education.~~

<—

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

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

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

~~No credit shall be given for any course in office management or~~

1 ~~practice building.~~

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

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

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

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

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

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

~~licensee was fully in attendance at the program offered and that the information in such form is true and correct. The licensee shall be responsible for sending this form to the board.~~

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

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

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

~~Section 508. Professional liability insurance.~~

~~As a condition for the biennial renewal of a license to practice chiropractic in this Commonwealth, a licensee shall submit to the board satisfactory evidence that he has obtained professional liability insurance, or that he has established self insurance for professional liability, in the minimum amount of \$100,000 per occurrence and \$300,000 per annual aggregate.~~

~~SECTION 507. CONTINUING CHIROPRACTIC EDUCATION.~~

<—

~~(A) REQUIREMENT FOR LICENSE RENEWAL.--AS A CONDITION FOR THE BIENNIAL RENEWAL OF A LICENSE TO PRACTICE CHIROPRACTIC, A LICENSEE SHALL SUBMIT TO THE BOARD EVIDENCE THAT HE HAS~~

1 COMPLETED AT LEAST 24 HOURS OF CONTINUING CHIROPRACTIC EDUCATION
2 WITHIN THE IMMEDIATELY PRECEDING TWO-YEAR PERIOD, PROVIDED THAT
3 A LICENSEE SHALL BE REQUIRED TO COMPLETE ONLY 12 HOURS OF
4 CONTINUING CHIROPRACTIC EDUCATION BEFORE THE LICENSING PERIOD
5 COMMENCING IN 1987.

6 (B) QUALIFYING EDUCATION.--A LICENSEE MAY RECEIVE CREDIT FOR
7 ONLY THOSE HOURS OF CONTINUING CHIROPRACTIC EDUCATION IN A
8 PROGRAM APPROVED BY THE BOARD AND FOR ONLY THOSE HOURS DIRECTED
9 TOWARD KEEPING THE LICENSEE APPRISED OF ADVANCEMENTS AND NEW
10 DEVELOPMENTS IN CHIROPRACTIC WHICH BUILD UPON THE BASIC COURSES
11 REQUIRED TO PRACTICE CHIROPRACTIC AND WHICH ARE IN THE FOLLOWING
12 AREAS:

- 13 (1) ANATOMY.
- 14 (2) PHYSIOLOGY.
- 15 (3) HISTOLOGY.
- 16 (4) CHEMISTRY.
- 17 (5) PATHOLOGY.
- 18 (6) PHYSICS.
- 19 (7) BACTERIOLOGY.
- 20 (8) DIAGNOSIS.
- 21 (9) HYGIENE AND SANITATION.
- 22 (10) SYMPTOMATOLOGY.
- 23 (11) CHIROPRACTIC ANALYSIS.
- 24 (12) X-RAY.
- 25 (13) CHIROPRACTIC PRINCIPLES.
- 26 (14) CHIROPRACTIC TECHNIQUE.
- 27 (15) PHYSIOLOGIC THERAPEUTIC PROCEDURES IN ACCORDANCE
28 WITH SECTION 102.

29 NO CREDIT SHALL BE GIVEN FOR ANY COURSE IN OFFICE MANAGEMENT OR
30 PRACTICE BUILDING.

(C) APPLICATION BY SPONSORS.--PRIOR TO RECEIVING BOARD APPROVAL FOR A PROGRAM OF CONTINUING CHIROPRACTIC EDUCATION, A SPONSOR SHALL SUBMIT TO THE BOARD BY REGISTERED OR CERTIFIED MAIL THE FOLLOWING INFORMATION AT LEAST 60 DAYS PRIOR TO THE DATE ON WHICH THE PROGRAM IS SCHEDULED TO BE PRESENTED:

(1) EVIDENCE THAT THE SPONSOR'S PROGRAM WOULD BE DIRECTED TOWARD KEEPING THE LICENSEE APPRISED OF ADVANCEMENTS AND NEW DEVELOPMENTS IN CHIROPRACTIC WHICH BUILD UPON THE BASIC COURSES REQUIRED TO PRACTICE CHIROPRACTIC AND WHICH ARE IN THE AREAS SPECIFIED IN SUBSECTION (B).

(2) A DETAILED COURSE OUTLINE OR SYLLABUS, INCLUDING SUCH ITEMS AS METHODS OF INSTRUCTION AND TESTING MATERIALS, IF ANY.

(3) A CURRENT CURRICULUM VITAE OF EACH INSTRUCTOR, SPEAKER OR LECTURER APPEARING IN THE PROGRAM.

(D) ACTION ON APPLICATION.--THE BOARD SHALL NOTIFY EACH SPONSOR BY REGISTERED OR CERTIFIED MAIL OF APPROVAL OR DISAPPROVAL OF THE APPLICATION WITHIN 30 DAYS OF THE RECEIPT OF THE APPLICATION. IF AN APPLICATION IS DISAPPROVED, THE BOARD SHALL DETAIL THE REASONS FOR DISAPPROVAL IN ORDER THAT THE SPONSOR MAY CURE ANY DEFECT AND SUBMIT AN AMENDED APPLICATION IN A TIMELY MANNER.

(E) EVIDENCE OF COMPLETION.--EACH LICENSEE, IN ORDER TO QUALIFY FOR BIENNIAL RENEWAL OF HIS LICENSE, SHALL COMPLETE A FORM PROVIDED BY THE SPONSOR AND SUPPLIED BY THE BOARD WHICH CONTAINS THE NAME OF THE LICENSEE, BUSINESS ADDRESS, NAME OF THE SPONSOR AND INSTRUCTOR, COURSE TAKEN, HOURS COMPLETED, DATE AND PLACE OF THE CONTINUING EDUCATION PROGRAM OFFERED, AND A SIGNED STATEMENT SWORN AND ATTESTED TO BY THE LICENSEE THAT THE LICENSEE WAS FULLY IN ATTENDANCE AT THE PROGRAM OFFERED AND THAT

1 THE INFORMATION IN SUCH FORM IS TRUE AND CORRECT. THE LICENSEE
2 SHALL BE RESPONSIBLE FOR SENDING THIS FORM TO THE BOARD.

3 (F) NOTIFICATION.--THE BOARD, WITHIN 30 DAYS AFTER THE
4 EFFECTIVE DATE OF THIS ACT, SHALL NOTIFY ALL LICENSEES SUBJECT
5 TO THIS SECTION THAT THEY WILL BE REQUIRED TO COMPLETE 12 HOURS
6 OF CONTINUING EDUCATION BEFORE THE LICENSING PERIOD COMMENCING
7 IN 1987 AND SHALL NOTIFY SUCH LICENSEES OF CONTINUING EDUCATION
8 REQUIRED WHEN RENEWAL APPLICATIONS ARE ISSUED FOR 1987 AND EVERY
9 RENEWAL PERIOD THEREAFTER.

10 (G) APPROVED PROGRAMS.--A CONTINUING EDUCATION PROGRAM
11 OFFERED BY A CHIROPRACTIC SCHOOL OR COLLEGE APPROVED IN
12 ACCORDANCE WITH THIS ACT AND ATTENDED BY A LICENSEE MUST BE
13 ACCEPTED BY THE BOARD SO LONG AS THE COURSE REQUIREMENTS OF THIS
14 SECTION ARE MET.

15 (H) EXCEPTIONS.--THE BOARD MAY MAKE EXCEPTIONS TO THE
16 CONTINUING EDUCATION PROGRAM REQUIREMENTS IN EMERGENCY OR
17 HARDSHIP CASES ON THE BASIS OF EVIDENCE SUBMITTED IN PROOF OF AN
18 EMERGENCY OR HARDSHIP.

19 SUBCHAPTER B

20 GENERAL REGULATION

21 Section 521. License required.

22 It shall be unlawful after the effective date of this act for
23 any person in this Commonwealth to engage in the practice of
24 chiropractic or indicate in any manner whatsoever the ability to
25 practice chiropractic unless licensed under the provisions of
26 this act, except that any person licensed or legally authorized
27 to practice chiropractic in this Commonwealth under any other
28 act shall thereafter continue to possess the same rights and
29 privileges with respect to the practice of chiropractic without
30 being required to be licensed anew under the provisions of this

1 act, and as fully as if he were licensed under the provisions of
2 this act; and to that extent, he shall be exempt from any
3 penalties under this act.

4 Section 522. Radiologic procedures; EDUCATION AND TRAINING <—
5 REQUIRED.

6 (a) ~~Education and training required~~ SUPERVISION; EDUCATIONAL <—
7 REQUIREMENTS.--On and after January 1, 1987, no auxiliary
8 personnel shall perform radiologic procedures ~~in the office~~ ON <—
9 THE PREMISES of a chiropractor unless ~~any~~ such ~~personnel~~ PERSON <—
10 is under the direct supervision of a chiropractor who is on the
11 premises at the time the X-ray of the patient is taken and
12 unless ~~any~~ such ~~personnel~~ PERSON has passed an examination <—
13 approved by the board and administered in accordance with
14 section 812.1 of the act of April 9, 1929 (P.L.177, No.175),
15 known as The Administrative Code of 1929. ~~Such examination shall~~ <—
16 ~~include the following subjects:~~

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

23 (b) ~~Limitations. No chiropractic office shall utilize for~~
24 ~~radiologic procedures more than one such auxiliary personnel per~~
25 ~~chiropractor practicing in that office at any one particular~~
26 ~~time.~~

27 (c) ~~Regulations~~

28 (B) EXCLUSION.--The board shall, by regulation, provide for <—
29 the exclusion of an auxiliary personnel from performing
30 radiologic procedures if the continued performance of radiologic

1 procedures by the auxiliary personnel is determined by the board
2 to pose a threat to the health, safety or welfare of the public.

3 (C) PENALTY.--IT SHALL BE UNLAWFUL UNDER THIS ACT TO <—
4 KNOWINGLY PERMIT RADIOLOGIC PROCEDURES TO BE PERFORMED IN
5 VIOLATION OF THIS SECTION OR IN VIOLATION OF THE REGULATIONS
6 PROMULGATED OR ORDERS ISSUED IN ACCORDANCE WITH THIS SECTION.

7 (D) EDUCATION AND TESTING.--NO AUXILIARY PERSONNEL WHO HAS
8 OR OBTAINS A LICENSE, CERTIFICATE OR REGISTRATION ISSUED BY, OR
9 ON BEHALF OF, A BOARD WITHIN THE BUREAU OF PROFESSIONAL AND
10 OCCUPATIONAL AFFAIRS SHALL BE REQUIRED TO UNDERGO ANY ADDITIONAL
11 EDUCATION OR TESTING PURSUANT TO THIS SECTION IF RADIOLOGIC
12 PROCEDURES WERE INCLUDED IN THE EDUCATION OR THE EXAMINATION
13 WHICH HE OR SHE WAS REQUIRED TO COMPLETE SUCCESSFULLY IN ORDER
14 TO BE ELIGIBLE FOR SUCH LICENSE, CERTIFICATE OR REGISTRATION.

15 Section 523. Reporting of multiple licensure.

16 Any licensed chiropractor of this Commonwealth who is also
17 licensed to practice chiropractic in any other state, territory, <—
18 POSSESSION or country shall report this information to the board
19 on the biennial registration application. Any disciplinary
20 action taken in ~~other states must~~ SUCH OTHER JURISDICTION SHALL <—
21 be reported to the board on the biennial registration
22 application OR WITHIN 90 DAYS OF FINAL DISPOSITION, WHICHEVER IS <—
23 SOONER. Multiple licensure ~~will~~ SHALL be noted on the <—
24 chiropractor's record and such state, territory, POSSESSION or <—
25 country ~~will~~ SHALL be notified BY THE BOARD of any disciplinary <—
26 actions taken against said 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 (A) IN GENERAL.--This act shall not apply either directly or <—
8 indirectly, by intent or purpose, to affect the practice of any
9 other branch of the healing arts by any person duly licensed by
10 the department to engage in such practice.

11 (B) REPRESENTATION AS A LICENSED PHYSICAL THERAPIST.--A <—
12 CHIROPRACTOR SHALL NOT HOLD HIMSELF OUT IN ANY MANNER TO BE A
13 LICENSED PHYSICAL THERAPIST UNLESS HE IS DULY LICENSED UNDER THE
14 ACT OF OCTOBER 10, 1975 (P.L.383, NO.110), KNOWN AS THE PHYSICAL
15 THERAPY PRACTICE ACT.

16 SECTION 527. REVOKED LICENSES; REINSTATEMENT; REPORTS TO THE
17 BOARD.

18 (A) SURRENDER OF LICENSE.--THE BOARD SHALL REQUIRE A PERSON
19 WHOSE LICENSE HAS BEEN SUSPENDED OR REVOKED TO RETURN THE
20 LICENSE IN SUCH MANNER AS THE BOARD DIRECTS. A PERSON WHO FAILS
21 TO DO SO COMMITS A MISDEMEANOR OF THE THIRD DEGREE.

22 (B) REINSTATEMENT AFTER FELONY CONVICTION.--ANY PERSON WHOSE
23 LICENSE HAS BEEN SUSPENDED OR REVOKED BECAUSE OF A FELONY
24 CONVICTION UNDER THE ACT OF APRIL 14, 1972 (P.L.233, NO.64),
25 KNOWN AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC
26 ACT, OR SIMILAR LAW OF ANOTHER JURISDICTION, MAY APPLY FOR
27 REINSTATEMENT AFTER A PERIOD OF AT LEAST TEN YEARS HAS ELAPSED
28 FROM THE DATE OF CONVICTION. THE BOARD MAY REINSTATE THE LICENSE
29 IF THE BOARD IS SATISFIED THAT THE PERSON HAS MADE SIGNIFICANT
30 PROGRESS IN PERSONAL REHABILITATION SINCE THE CONVICTION SUCH

1 THAT HIS REINSTATEMENT SHOULD NOT BE EXPECTED TO CREATE A
2 SUBSTANTIAL RISK OF HARM TO THE HEALTH AND SAFETY OF HIS
3 PATIENTS OR THE PUBLIC OR A SUBSTANTIAL RISK OF FURTHER CRIMINAL
4 VIOLATIONS AND IF THE PERSON MEETS ALL OTHER LICENSING
5 QUALIFICATIONS OF THIS ACT, INCLUDING THE EXAMINATION
6 REQUIREMENT.

7 (C) REPORTS TO THE BOARD.--AN ATTORNEY RESPONSIBLE FOR
8 REPRESENTING THE COMMONWEALTH IN DISCIPLINARY MATTERS BEFORE THE
9 BOARD SHALL NOTIFY THE BOARD IMMEDIATELY UPON RECEIVING
10 NOTIFICATION OF AN ALLEGED VIOLATION OF THIS ACT. THE BOARD
11 SHALL MAINTAIN CURRENT RECORDS OF ALL REPORTS OF ALLEGED
12 VIOLATIONS AND PERIODICALLY REVIEW THE RECORDS FOR THE PURPOSE
13 OF DETERMINING THAT EACH ALLEGED VIOLATION HAS BEEN RESOLVED IN
14 A TIMELY MANNER.

15 CHAPTER 7

16 PENALTY PROVISIONS

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

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

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

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

1 with another act of this Commonwealth.

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

8 Section 702. Violation of other provisions.

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

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

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

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

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

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

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

28 (7) Commits immoral or unprofessional conduct.

29 Unprofessional conduct shall include any departure from, or
30 failure to conform to, the standards of acceptable and

1 prevailing chiropractic practice. Actual injury to a patient
2 need not be established.

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

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

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

12 ~~(11) Knowingly permits radiologic procedures to be~~ <—
13 ~~performed in violation of section 522 or in violation of the~~
14 ~~regulations promulgated in orders issued in accordance with~~
15 ~~section 522.~~

16 ~~(12) Unconditionally guarantees that a cure will result~~
17 ~~from the performance of chiropractic treatment.~~

18 ~~(13) Holds oneself out as a specialist in the~~
19 ~~development, treatment or health of children.~~

20 Section 703. Civil penalty.

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

1 opportunity for a hearing, as provided in Title 2 of the
2 Pennsylvania Consolidated Statutes (relating to administrative
3 law and procedure).

4 Section 704. Fines and penalties.

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

8 CHAPTER 11

9 MISCELLANEOUS PROVISIONS

10 Section 1101. Fees.

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

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

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

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

29 Section 1102. Current members of board.

30 ~~Persons who are members of the State Board of Chiropractic~~

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1 ~~Examiners on the effective date of this act, pursuant to the act~~
2 ~~of August 10, 1951 (P.L.1182, No.264), known as the Chiropractic~~
3 ~~Registration Act of 1951, shall serve on the State Board of~~
4 ~~Chiropractic Examiners as provided for in this act until their~~
5 ~~current terms would have expired or until their successors are~~
6 ~~duly appointed and qualified but no longer than six months after~~
7 ~~the expiration of their terms.~~

8 THE PRESENTLY CONFIRMED MEMBERS OF THE STATE BOARD OF <—
9 CHIROPRACTIC EXAMINERS CONSTITUTED UNDER SECTION 461 OF THE ACT
10 OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE
11 CODE OF 1929, AS OF THE EFFECTIVE DATE OF THIS ACT, SHALL
12 CONTINUE TO SERVE AS BOARD MEMBERS UNTIL THEIR PRESENT TERMS OF
13 OFFICE EXPIRE, PROVIDED THAT ANY PRESENT BOARD MEMBER WHOSE TERM
14 HAS EXPIRED ON OR BEFORE THE EFFECTIVE DATE OF THIS ACT SHALL
15 SERVE UNTIL A SUCCESSOR HAS BEEN APPOINTED AND QUALIFIED, BUT NO
16 LONGER THAN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ACT.
17 Section 1103. Current licensees.

18 Any person who holds a valid license issued by the State
19 Board of Chiropractic Examiners under the act of August 10, 1951
20 (P.L.1182, No.264), known as the Chiropractic Registration Act
21 of 1951, prior to the effective date of this ~~amendatory~~ act <—
22 shall, on and after the effective date hereof, be deemed to be
23 licensed by the State Board of Chiropractic ~~Examiners~~ as <—
24 provided for in this act.

25 Section 1104. Existing regulations.

26 Each rule, regulation or fee of the board in effect on the
27 effective date of this act shall remain in effect after such
28 date until REPEALED OR amended by the board, provided that the <—
29 board shall immediately initiate the repeal or amendment of any
30 rule or regulation which is inconsistent with the provisions of

1 this act.

2 Section 1105. Reestablishment of agency.

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

7 Section 1106. Repeals.

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

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

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

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

16 Section 1107. Effective date.

17 This act shall take effect ~~January 1, 1986, or immediately,~~
18 ~~whichever is later~~ IMMEDIATELY.

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