

2015 Regular Session

HOUSE BILL NO. 552

BY REPRESENTATIVE THIERRY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CHIROPRACTORS: Provides relative to the scope of practice of chiropractic

1 AN ACT

2 To amend and reenact the heading of Chapter 36 of Title 37 of the Louisiana Revised

3 Statutes of 1950, R.S. 37:2801, 2802(A)(1) and (B), 2804(B),

4 2805(B)(1)(introductory paragraph), 2806, 2808(introductory paragraph), 2812

5 through 2814, 2816(A)(introductory paragraph) and (15), (E), and (F)(1), 2817,

6 2818(C), 2824, and 2830(A) and to enact R.S. 37:2818(D), relative to the scope of

7 practice of chiropractic; to change the designation of a professional licensed to

8 practice chiropractic from "chiropractor" to "chiropractic physician"; to authorize

9 patient counseling and ordering of diagnostic tests by chiropractic physicians; to

10 delete restrictions relative to utilization of certain diagnostic procedures in

11 chiropractic; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. The heading of Chapter 36 of Title 37 of the Louisiana Revised Statutes

14 of 1950, R.S. 37:2801, 2802(A)(1) and (B), 2804(B), 2805(B)(1)(introductory paragraph),

15 2806, 2808(introductory paragraph), 2812 through 2814, 2816(A)(introductory paragraph)

16 and (15), (E), and (F)(1), 2817, 2818(C), 2824, and 2830(A) are hereby amended and

17 reenacted and R.S. 37:2818(D) is hereby enacted to read as follows:

1 CHAPTER 36. ~~CHIROPRACTORS~~ CHIROPRACTIC PHYSICIANS

2 PART I. GENERAL

3 §2801. Definitions

4 As used in this Chapter:

5 (1) "Board" means the Louisiana Board of Chiropractic Examiners.

6 (2) "Licensed ~~chiropractor~~ chiropractic physician" means ~~persons~~ a person
7 licensed pursuant to the provisions of this Chapter.8 (3)(a) "Practice of chiropractic" means holding one's self out to the public
9 as a ~~chiropractor~~ chiropractic physician and as being engaged in the business of, or
10 the actual engagement in, the ~~diagnosing of conditions associated with the functional~~
11 ~~integrity of the spine~~ examining, evaluating, and diagnosing of patients of all ages
12 for the purpose of determining the presence or absence of neuromuscular or
13 musculoskeletal injuries, conditions, or disorders which interfere with biomechanical
14 or neurological function, and treating by adjustment, manipulation, and the use of the
15 physical and other properties of heat, light, water, electricity, sound, massage,
16 therapeutic exercise, mobilization, mechanical devices, and other physical
17 rehabilitation measures ~~for the purpose of correcting interference with normal nerve~~
18 ~~transmission and expression. A chiropractor may also make recommendations~~
19 ~~relative to personal hygiene and proper nutritional practices for the rehabilitation of~~
20 ~~the patient. A chiropractor may also order such diagnostic tests as are necessary for~~
21 ~~determining conditions associated with the functional integrity of the spine.~~22 (b) A chiropractic physician may counsel and instruct patients regarding
23 health, wellness, diet, and nutrition.24 (c) A chiropractic physician may also order such diagnostic tests as are
25 necessary for determining the patient's condition.26 ~~(b)(i)~~ (d)(i) A chiropractic physician may also order, perform, and utilize
27 x-ray procedures for the sole purpose of diagnosis.28 (ii) While ~~chiropractors~~ a chiropractic physician may not directly perform
29 or administer computerized axial tomography, nuclear magnetic resonance, and

1 nuclear magnetic imaging, nothing shall be construed to prohibit a ~~chiropractor~~
 2 chiropractic physician from ordering such diagnostic procedures when deemed
 3 necessary by the practitioner. ~~However, the authority to order such diagnostic tests~~
 4 ~~shall not be construed so as to mandate coverage for such tests ordered by a~~
 5 ~~chiropractor under any health care plan or policy of insurance, to require such~~
 6 ~~coverage under any such plan or policy, or to circumvent any requirement or~~
 7 ~~preauthorization for covered services by a primary care physician or precertification~~
 8 ~~by an insurer or administrator of a plan or policy in accordance with the terms of a~~
 9 ~~health care plan or policy.~~

10 (ii) ~~In the exercise of the authority to order diagnostic tests provided in this~~
 11 ~~Paragraph, a chiropractor shall not order such tests or solicit an insurer or health care~~
 12 ~~plan provider for coverage arrangements for such tests for the primary purpose of~~
 13 ~~financial gain.~~

14 (e) ~~(e)~~ The practice of chiropractic does not include the right to prescribe,
 15 dispense, or administer medicine or drugs, or to engage in the practice of major or
 16 minor surgery, obstetrics, X-ray therapy, radium therapy, or nuclear medicine. For
 17 purposes of this Chapter, the terms "medicine" and "drugs" shall not include orthotic
 18 devices, vitamin, mineral, and nutritional supplements, therapeutic devices, postural
 19 modification equipment, exercise equipment, or homeopathic remedies. Any
 20 ~~chiropractor~~ chiropractic physician applying to practice acupuncture shall comply
 21 with the provisions of R.S. 37:1358.

22 §2802. Board of chiropractic examiners

23 A.(1) The Louisiana Board of Chiropractic Examiners is hereby created
 24 within the Department of Health and Hospitals and is subject to the provisions of
 25 R.S. 36:803. The board shall be composed of seven members who shall be appointed
 26 by the governor. All seven members shall be ~~chiropractors~~ chiropractic physicians
 27 licensed ~~under~~ pursuant to the provisions of this Chapter, who have been
 28 continuously engaged in the practice of chiropractic in this state for at least five
 29 years; however, the initial members required to be ~~chiropractors~~ chiropractic

1 physicians shall be persons who are eligible to be licensed ~~under~~ pursuant to the
2 provisions of this Chapter.

3 * * *

4 B. Every ~~chiropractor~~ chiropractic physician appointed to the board after the
5 initial appointments shall be a licensed ~~chiropractor under~~ chiropractic physician
6 pursuant to the provisions of this Chapter.

7 * * *

8 2804. Powers and duties of board

9 * * *

10 B. The board shall have authority to examine for, grant, deny, approve,
11 revoke, suspend, and renew the license of a ~~chiropractor~~ chiropractic physician and
12 shall review applications for licenses at least once a year. It may conduct hearings
13 on any charges for the revocation or suspension of a license. The board may refuse
14 to give a practical examination and deny licensure to any person who violates the
15 provisions of this Chapter.

16 * * *

17 §2805. Requirement for license; penalty; qualifications; examinations; issuance of
18 license

19 * * *

20 B.(1) The board shall license as a ~~chiropractor~~ chiropractic physician and
21 issue an appropriate certificate to any person who files with it a verified application
22 therefor, accompanied by such fee as is required by R.S. 37:2809, together with
23 evidence, verified by oath and satisfactory to the board, that the applicant:

24 * * *

25 §2806. Interns; qualifications, requirements

26 A. Pending issuance of license by the board, any ~~graduate chiropractor~~
27 person who possesses a diploma from a college of chiropractic accredited by the
28 Association of Chiropractic Colleges or the Council on Chiropractic Education, or
29 their successors, and approved by the board, and who complies with the provisions

1 of R.S. 37:2805(B)(1)(a) through R.S. 37:2805(B)(1)(f) may intern for a period not
 2 to exceed six months or until the next scheduled board examination date with any
 3 ~~chiropractor~~ chiropractic physician licensed ~~under~~ pursuant to this Chapter at the
 4 office of ~~said chiropractor~~ the chiropractic physician and under his personal
 5 supervision. Prior to the end of the internship period the intern must successfully
 6 pass the examination provided for in R.S. 37:2805(B). If the intern fails the
 7 examination, he thereafter is prohibited from interning in this state.

8 B. A chiropractic intern may practice only while the supervisory, licensed
 9 ~~chiropractor~~ chiropractic physician with whom he is interning is physically in the
 10 same building and office with him.

11 §2808. Reciprocity license

12 The board may grant a license to practice chiropractic with examination to
 13 a ~~chiropractor~~ chiropractic physician who:

14 * * *

15 §2812. Statistical certification

16 ~~Chiropractors~~ Chiropractic physicians shall observe and be subject to all
 17 federal, state, parish and municipal regulations with regard to public health and all
 18 other information required by law as coming within their knowledge. ~~Chiropractors~~
 19 Chiropractic physicians shall sign certificates and statements pertaining to public
 20 health insofar as they relate to chiropractic, but nothing in this Chapter shall be
 21 construed to permit any ~~chiropractor~~ chiropractic physician to execute or register
 22 certificates of birth or death.

23 §2813. Other annual license taxes not required

24 Licensed ~~chiropractors~~ chiropractic physicians and interns shall not be
 25 required to pay any annual license fee or tax except as provided in R.S. 37:2809(A).

26 §2814. Waiver of renewals while in the military service

27 The board shall waive the requirements of R.S. 37:2810 for any ~~chiropractor~~
 28 chiropractic physician licensed ~~under~~ pursuant to this Chapter while on active duty

1 in the military service of the United States or any of its allies, upon notification by
2 the licensee to the board.

3 * * *

4 §2816. Suspension or revocation of license; causes; hearing; advertisement;
5 reinstatement

6 A. After notice and an opportunity for hearing, the board may suspend or
7 revoke any license or certificate, or impose probationary or any other restrictions on
8 any license or certificate, issued to any ~~chiropractor~~ chiropractic physician for any
9 of the following causes:

10 * * *

11 (15) Using the title "Doctor," or "Dr." or its equivalent, without using the
12 term "~~chiropractor~~," "chiropractic physician", or its equivalent, as a suffix or in
13 connection therewith, under such circumstances as to induce the belief that the
14 practitioner is entitled to practice any portion of the healing arts other than
15 chiropractic as defined herein.

16 * * *

17 E. Any ~~chiropractor~~ chiropractic physician whose license has been
18 suspended or revoked may not affiliate or associate with or be involved in any
19 manner with the practice of chiropractic or the business of chiropractic for the period
20 of the suspension or revocation.

21 F.(1) Nothing in this Section shall be construed to prevent the advertisement
22 by a licensed ~~chiropractor~~ chiropractic physician of the availability of routine
23 chiropractic services and the fees to be charged therefor.

24 * * *

25 ~~§2817. Special provisions; use of x-ray; retention of~~ Patient records; graphic
26 materials and other records utilized for diagnosis; retention

27 ~~A. A chiropractor licensed under this Chapter is entitled to utilize x-ray~~
28 ~~procedures for the sole purpose of chiropractic analysis. Such x-ray procedures shall~~
29 ~~be administered with efficient exposure techniques and optimal operation of~~

1 ~~radiation equipment in order to minimize the amount of and repetition of x-ray~~
2 ~~exposure to which a patient is subjected during such analysis.~~

3 ~~B. Such procedures shall not include radio-therapy, fluoroscopy, or any other~~
4 ~~form of ionizing radiation, except x-ray, which may be used only for the purpose of~~
5 ~~chiropractic analysis.~~

6 ~~€.(1)~~ Patient records shall be retained by a chiropractic physician in the
7 original, microfilmed, or similarly reproduced form for a minimum period of six
8 years from the date a patient is last seen by the chiropractic physician.

9 ~~(2)~~ B. Graphic matter, images, x-ray films, and like matter that are necessary
10 to produce a diagnosis or therapeutic report shall be retained, preserved, and properly
11 stored by a chiropractic physician in the original, microfilmed, or similarly
12 reproduced form for a minimum period of three years from the date a patient is last
13 treated by the chiropractic physician. Such graphic matter, images, x-ray film, and
14 like matter shall be retained for longer periods when requested in writing by the
15 patient.

16 §2818. Exceptions and rights

17 * * *

18 C. Every person duly licensed and registered pursuant to this Chapter shall
19 have ~~the right~~ all of the following rights:

20 (1) ~~to~~ To practice chiropractic as defined herein, to in this Chapter.

21 (2) To use the title "Doctor of Chiropractic" or "D.C.".

22 D. Licensed ~~chiropractors~~ chiropractic physicians shall include "Doctor of
23 Chiropractic", "Chiropractic Physician", "D.C.", or "of the chiropractic profession"
24 on all billing statements and advertising.

25 * * *

26 §2824. Contract for scholarship; contingent

27 Any applicant selected by the Louisiana Board of Chiropractic Examiners to
28 receive a scholarship shall enter into a contract with the board, which shall be
29 deemed a contract formed within the state of Louisiana, agreeing to the terms and

1 conditions upon which the scholarship shall be granted to the applicant. The contract
 2 shall include such terms and provisions as will execute the full purpose and intent
 3 of this chiropractic scholarship program, including the purpose of providing
 4 ~~chiropractors~~ chiropractic physicians who will practice chiropractic within the state
 5 of Louisiana. The form of the contract shall be prepared and approved by the
 6 attorney general of this state. The president of the board shall sign it and the
 7 vice-president shall countersign it, and the applicant shall likewise sign it. The board
 8 shall preserve and maintain the contract until such time as the terms thereof are met
 9 or satisfied; a duplicate copy shall be transmitted to the applicant.

* * *

11 §2830. Certain persons employed as chiropractic assistants

12 A.(1) Any chiropractic assistant employed by a licensed ~~chiropractor~~
 13 chiropractic physician and actively engaged in the process of taking x-rays on or
 14 before September 1, 1983 shall be considered qualified to take chiropractic x-rays
 15 and may apply to the board for certification.

16 (2) A certificate of proficiency in chiropractic x-ray procedure shall be
 17 granted such a person upon submission of a signed statement from the employing
 18 ~~chiropractor~~ chiropractic physician confirming that the applicant has been
 19 satisfactorily employed for at least one year during which time he was actively
 20 engaged in the process of taking chiropractic x-rays and demonstrated proficiency
 21 in performing such a process.

* * *

23 Section 2. The Louisiana State Law Institute is hereby authorized and directed to
 24 change each occurrence of the term "chiropractor" to "chiropractic physician" in the
 25 Louisiana Revised Statutes of 1950, as amended, and in other lawbodies of the state in order
 26 to reflect the change in terminology provided in Section 1 of this Act.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 552 Original

2015 Regular Session

Thierry

Abstract: Provides relative to the scope of practice of chiropractic and institutes the term "chiropractic physician" in lieu of "chiropractor" in law.

Present law relative to the practice of chiropractic utilizes the term "chiropractor". Proposed law revises present law to institute the term "chiropractic physician" in lieu of "chiropractor".

Present law provides that the practice of chiropractic, in part, entails the following:

- (1) Being engaged in the diagnosing of conditions associated with the functional integrity of the spine.
- (2) Making recommendations relative to personal hygiene and proper nutritional practices for the rehabilitation of the patient.
- (3) Ordering such diagnostic tests as are necessary for determining conditions associated with the functional integrity of the spine.

Proposed law deletes present law and provides in lieu thereof that the practice of chiropractic entails the following:

- (1) Examining, evaluating, and diagnosing of patients of all ages for the purpose of determining the presence or absence of neuromuscular or musculoskeletal injuries, conditions, or disorders which interfere with biomechanical or neurological function.
- (2) Counseling and instructing patients regarding health, wellness, diet, and nutrition.
- (3) Ordering such diagnostic tests as are necessary for determining the patient's condition.
- (4) Ordering, performing, and utilizing x-ray procedures for the sole purpose of diagnosis.

Proposed law deletes present law providing for the following:

- (1) That the authority for a chiropractor to order diagnostic tests shall not be construed as any of the following:
 - (a) Mandating coverage for such tests ordered by a chiropractor under any health care plan or policy of insurance.
 - (b) Requiring insurance coverage under any such plan or policy.
 - (c) Circumventing any requirement or preauthorization for covered services by a primary care physician or precertification by an insurer or administrator of a plan or policy in accordance with the terms of a health care plan or policy.

- (2) That a chiropractor shall not order diagnostic tests or solicit an insurer or health care plan provider for coverage arrangements for such tests for the primary purpose of financial gain.

Proposed law deletes present law providing for the following restrictions concerning use of x-ray procedures:

- (1) A chiropractor may utilize x-ray procedures for the sole purpose of chiropractic analysis.
- (2) A chiropractor shall administer x-ray procedures with efficient exposure techniques and optimal operation of radiation equipment in order to minimize the amount of and repetition of x-ray exposure to which a patient is subjected during such analysis.
- (3) A chiropractor shall not include administer radio-therapy, fluoroscopy, or any other form of ionizing radiation, except x-ray, which may be used only for the purpose of chiropractic analysis.

Proposed law requires the La. State Law Institute to change the designation of a professional licensed to practice chiropractic from "chiropractor" to "chiropractic physician" throughout present law in order to reflect the change in terminology provided in proposed law.

(Amends the heading of Ch. 36 of Title 37, R.S. 37:2801, 2802(A)(1) and (B), 2804(B), 2805(B)(1)(intro. para.), 2806, 2808(intro. para.), 2812-2814, 2816(A)(intro. para.) and (15), (E), and (F)(1), 2817, 2818(C), 2824, and 2830(A); Adds R.S. 37:2818(D))