

2015 Regular Session

SENATE BILL NO. 56

BY SENATOR DORSEY-COLOMB

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

CHIROPRACTORS. Provides for the practice of chiropractic. (gov sig)

AN ACT

To amend and reenact R.S. 37:2801(3) and 2817, relative to the practice of chiropractic; to provide for definitions; to provide for use of x-ray; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:2801(3) and 2817 are hereby amended and reenacted to read as follows:

§2801. Definitions

As used in this Chapter:

* * *

(3)(a) "Practice of chiropractic" means holding one's self out to the public as a chiropractor and as being engaged in the business of, or the actual engagement in, ~~the diagnosing of conditions associated with the functional integrity of the spine~~ examining, evaluating, and diagnosing patients for the purpose of determining conditions related to the function of the neuromuscular or musculoskeletal system and treating by adjustment, manipulation, and the use of the physical and other properties of heat, light, water, electricity, sound, massage, therapeutic

1 exercise, mobilization, mechanical devices, and other physical rehabilitation
2 measures ~~for the purpose of correcting interference with normal nerve transmission~~
3 and expression.

4 ~~(b)~~ A chiropractor may also ~~make recommendations relative to personal~~
5 ~~hygiene and proper nutritional practices for the rehabilitation of the patient~~ counsel
6 and instruct patients regarding health, wellness, diet, and nutrition.

7 ~~(c)~~ A chiropractor may also order such diagnostic tests as are necessary for
8 determining ~~conditions associated with the functional integrity of the spine~~ the
9 patient's condition.

10 ~~(d)(i)~~ A chiropractor may also order, perform, and utilize x-ray
11 procedures for the sole purpose of diagnosis.

12 ~~(b)(i)(ii)~~ While chiropractors may not directly perform or administer
13 computerized axial tomography, nuclear magnetic resonance, and nuclear magnetic
14 imaging, nothing shall be construed to prohibit a chiropractor from ordering such
15 diagnostic procedures when deemed necessary by the practitioner. However, the
16 authority to order such diagnostic tests shall not be construed so as to mandate
17 coverage for such tests ordered by a chiropractor under any health care plan or policy
18 of insurance, to require such coverage under any such plan or policy, or to
19 circumvent any requirement or preauthorization for covered services by a primary
20 care physician or precertification by an insurer or administrator of a plan or policy
21 in accordance with the terms of a health care plan or policy.

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

26 ~~(e)(e)~~ The practice of chiropractic does not include the right to prescribe,
27 dispense, or administer medicine or drugs, treat fractures or total disruption of
28 extremity joints, or to engage in the practice of major or minor surgery, obstetrics,
29 X-ray therapy, radium therapy, or nuclear medicine. For purposes of this Chapter,

the terms "medicine" and "drugs" shall not include orthotic devices, vitamin, mineral, and nutritional supplements, therapeutic devices, postural modification equipment, exercise equipment, or homeopathic remedies. Any chiropractor applying to practice acupuncture shall comply with the provisions of R.S. ~~37:1358~~ **37:1357**.

* * *

§2817. Special provisions; ~~use of x-ray~~; retention of records

A. ~~A chiropractor licensed under this Chapter is entitled to utilize x-ray procedures for the sole purpose of chiropractic analysis. Such x-ray procedures shall be administered 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.~~

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

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

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

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument was prepared by Christopher D. Adams. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cathy R. Wells.

DIGEST

SB 56 Reengrossed

2015 Regular Session

Dorsey-Colomb

Present law defines "practice of chiropractic" to mean holding one's self out to the public as a chiropractor and as being engaged in the business of, or the actual engagement in, the diagnosing of conditions associated with the functional integrity of the spine and treating by adjustment, manipulation, and the use of the physical and other properties of heat, light, water, electricity, sound, massage, therapeutic exercise, mobilization, mechanical devices, and other physical rehabilitation measures for the purpose of correcting interference with normal nerve transmission and expression. A chiropractor may also make recommendations relative to personal hygiene and proper nutritional practices for the rehabilitation of the patient. A chiropractor may also order such diagnostic tests as are necessary for determining conditions associated with the functional integrity of the spine.

Proposed law amends present law definition of "practice of chiropractic" to mean holding one's self out to the public as a chiropractor and as being engaged in the business of, or the actual engagement in, the examining, evaluating, and diagnosing patients for the purpose of determining conditions related to the function of the neuromuscular or musculoskeletal system treating by adjustment, manipulation, and the use of the physical and other properties of heat, light, water, electricity, sound, massage, therapeutic exercise, mobilization, mechanical devices, and other physical rehabilitation measures.

Present law definition of "practice of chiropractic" includes while chiropractors may not directly perform or administer computerized axial tomography, nuclear magnetic resonance, and nuclear magnetic imaging, nothing shall be construed to prohibit a chiropractor from ordering such diagnostic procedures when deemed necessary by the practitioner. However, the authority to order such diagnostic tests shall not be construed so as to mandate coverage for such tests ordered by a chiropractor under any health care plan or policy of insurance, to require such coverage under any such plan or policy, or to circumvent 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.

Present law provides a chiropractor shall not order such 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 amends present law definition of "practice of chiropractic" to include a chiropractor may counsel and instruct patients regarding health, wellness, diet, and nutrition. Further, a chiropractor may also order such diagnostic tests as are necessary for determining the patient's condition, and a chiropractor may also order, perform, and utilize x-ray procedures for the sole purpose of diagnosis.

Proposed law provides while chiropractors may not directly perform or administer computerized axial tomography, nuclear magnetic resonance, and nuclear magnetic imaging, nothing shall be construed to prohibit a chiropractor from ordering such diagnostic procedures when deemed necessary by the practitioner.

Present law provides the practice of chiropractic does not include the right to prescribe, dispense, or administer medicine or drugs, or to engage in the practice of major or minor surgery, obstetrics, X-ray therapy, radium therapy, or nuclear medicine.

Proposed law amends present law by adding the treating of fractures or total disruption of

extremity to the list of the things the practice of chiropractic does not include.

Present law provides a chiropractor licensed under present law is entitled to utilize x-ray procedures for the sole purpose of chiropractic analysis. Such x-ray procedures shall be administered 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. Present law provides such procedures shall not include 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 removes this language and provides that a chiropractor may also order, perform, and utilize x-ray procedures for the sole purpose of diagnosis.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 37:2801(3) and 2817)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Clarifies the definition of the "practice of chiropractic".
2. Adds items to the list of items which the practice of chiropractic does not include.

Senate Floor Amendments to engrossed bill

1. Changes definition of the "practice of chiropractic" to include the examining, evaluating, and diagnosing patients for the purpose of determining conditions related to the function of the neuromuscular or musculoskeletal system.
2. Retains certain provisions of present law relative to the definition of the "practice of chiropractic".
3. Makes technical corrections.