

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H1/24/17

A Bill

HOUSE BILL 1171

5 By: Representative House
6 *By: Senator L. Eads*
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAWS REGARDING THE PRACTICE OF
10 CHIROPRACTIC AND THE ARKANSAS STATE BOARD OF
11 CHIROPRACTIC EXAMINERS; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO AMEND THE LAWS REGARDING THE PRACTICE
16 OF CHIROPRACTIC AND THE ARKANSAS STATE
17 BOARD OF CHIROPRACTIC EXAMINERS.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 17-81-201(b)(3), concerning the creation of
23 the Arkansas State Board of Chiropractic Examiners, is amended to read as
24 follows:

25 (3)(A) Two (2) members of the board shall not be actively
26 engaged in or retired from the profession of chiropractic.

27 (B) One (1) member shall represent consumers, and one (1)
28 member shall be sixty (60) years of age or older and shall be the
29 representative of the elderly.

30 (C) Both members shall be appointed from the state at
31 large subject to confirmation by the Senate.

32 (D) The two (2) positions may not be held by the same
33 person; ~~and.~~

34 (E) Both shall be full voting members ~~but shall not~~
35 ~~participate in the grading of examinations.~~
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1 SECTION 2. Arkansas Code § 17-81-206(b)(9), concerning the duties and
2 powers of the Arkansas State Board of Chiropractic Examiners, is repealed.

3 ~~(9) Fix the time for holding its regular meetings for the~~
4 ~~examination of applicants;~~

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6 SECTION 3. Arkansas Code § 17-81-206(c)(1), concerning the subpoena
7 power of the Arkansas State Board of Chiropractic Examiners, is amended to
8 read as follows:

9 (c)(1) In the performance of its duties, the board ~~is empowered to~~ may
10 ~~issue subpoenas and thereby compel the attendance of persons before it~~ for
11 the purpose of examining into any facts or conditions properly pending before
12 the board for ~~its~~ action, including without limitation persons, records, or
13 documents.

14
15 SECTION 4. Arkansas Code § 17-81-207(b)(3), concerning the executive
16 director of the Arkansas State Board of Chiropractic Examiners, is amended to
17 read as follows:

18 (3) Copies of the annual reports, actions of the board,
19 ~~examinations,~~ and number licensed for the year, certified by the secretary of
20 the board, shall be submitted by the executive director to the various
21 chiropractic professional organizations in Arkansas.

22
23 SECTION 5. Arkansas Code § 17-81-302 is amended to read as follows:
24 17-81-302. Exempted activities.

25 ~~Nothing herein shall be construed to~~ This chapter does not prohibit or
26 ~~to~~ require a license ~~hereunder~~ with respect to any of the following acts:

27 (1) The performance of services in case of an emergency;

28 (2)(A) The performance of services in this state on an
29 occasional basis, limited to ~~ninety (90)~~ thirty (30) days in each calendar
30 year, by a chiropractor who is lawfully practicing chiropractic in another
31 state or territory.

32 (B)(i) Within seven (7) days prior to travel described in
33 subdivision (2)(A) of this section, the chiropractor shall send a written
34 notice through mail or electronic means to the Arkansas State Board of
35 Chiropractic Examiners stating at a minimum the date or dates of travel to
36 Arkansas, who will perform the services, and where the services will be

1 performed.

2 (ii) A chiropractor who submits a written notice
3 shall also provide proof of malpractice insurance.

4 (C) However, if any such chiropractor performs services on
5 a regular basis, or for his or her regular use maintains or is provided with
6 any office or other place to meet persons for the performance of such
7 services in the State of Arkansas, he or she shall obtain a license to
8 practice chiropractic in the State of Arkansas; or

9 (3) The practice of medicine and surgery, osteopathy, dentistry,
10 podiatry, optometry, Christian Science, physical therapy, cosmetology,
11 therapy technology, or any other branch of the healing arts as defined by the
12 laws of this state ~~as now or hereafter enacted, it not being intended by this~~
13 ~~chapter to~~ and this chapter does not limit, restrict, enlarge, or alter the
14 privileges and practices of any of these professions or branches of the
15 healing arts.

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17 SECTION 6. Arkansas Code § 17-81-307(a), concerning the issuance and
18 recording of licenses, is amended to read as follows:

19 (a) The Arkansas State Board of Chiropractic Examiners shall issue
20 licenses to all applicants who have been approved, paid all the required
21 fees, and ~~gained a satisfactory grade on examination, with a general average~~
22 ~~of seventy five percent (75%) with no subject falling below sixty percent~~
23 ~~(60%)~~ possess a valid certificate issued by the National Board of
24 Chiropractic Examiners.

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26 SECTION 7. Arkansas Code § 17-81-308 is amended to read as follows:

27 17-81-308. Temporary licenses.

28 Upon satisfactory evidence being submitted to the Arkansas State Board
29 of Chiropractic Examiners as to an applicant's ability and integrity and when
30 no regular ~~examination~~ review of applications will be held within thirty (30)
31 days from the date of an application for a temporary license, the board may,
32 ~~if approved by at least two thirds (2/3) of the membership of the board,~~
33 issue to the applicant a permit to practice until the next ~~regular meeting of~~
34 ~~the board~~ orientation of accepted applicants if approved by at least two-
35 thirds (2/3) of the membership of the board.

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1 SECTION 8. Arkansas Code Title 17, Chapter 81, Subchapter 3, is
2 amended to add an additional section to read as follows:

3 17-81-318. Criminal background check.

4 (a)(1) Each applicant for a license issued by the Arkansas State Board
5 of Chiropractic Examiners is required to apply to the Identification Bureau
6 of the Department of Arkansas State Police for a state and federal criminal
7 background check to be conducted by the Identification Bureau of the
8 Department of Arkansas State Police and the Federal Bureau of Investigation.

9 (2) A license shall not be issued to an applicant until the
10 board receives and approves the state and federal criminal background check.

11 (b) The criminal background check shall conform to applicable federal
12 standards that are in effect on January 1, 2017, and shall include the taking
13 of fingerprints.

14 (c) The applicant shall sign a release of information to the board and
15 shall be responsible to the Department of Arkansas State Police for the
16 payment of any fee associated with the criminal background check.

17 (d) Upon completion of the criminal background check, the
18 Identification Bureau of the Department of Arkansas State Police shall
19 forward to the board all releasable information obtained concerning the
20 applicant in the commission of any offense listed in subsection (e) of this
21 section.

22 (e) Except as provided in subsection (f) of this section, a person
23 shall not receive or hold a license issued by the board if the person has
24 been convicted of or pleaded guilty or nolo contendere to any felony or a
25 crime involving moral turpitude, fraud, dishonesty, untruthfulness, or
26 untrustworthiness, or is a registered sex offender or required to register as
27 a sex offender.

28 (f)(1) The provisions of subsection (e) of this section may be waived
29 by the board upon the request of:

30 (A) An affected applicant for licensure; or

31 (B) The person holding a license subject to sanctions.

32 (2) Circumstances for which a waiver may be granted shall
33 include without limitation:

34 (A) The age at which the crime was committed;

35 (B) The circumstances surrounding the crime;

36 (C) The length of time since the crime was committed;

- 1 (D) Subsequent work history;
- 2 (E) Employment references;
- 3 (F) Character references; and
- 4 (G) Other evidence demonstrating that the applicant does
- 5 not pose a threat to the public.

6 (g)(1) Information received by the board from the Identification
7 Bureau of the Department of Arkansas State Police or the Federal Bureau of
8 Investigation under this section shall not be available for examination
9 except by:

10 (A) The affected applicant for licensure or his or her
11 authorized representative; or

12 (B) The person whose license is subject to revocation or
13 his or her authorized representative.

14 (2) A record, file, or document shall not be removed from the
15 custody of the Department of Arkansas State Police.

16 (h) Information made available to the affected applicant for licensure
17 or the person whose license is subject to revocation shall pertain to that
18 person only.

19 (i) Rights of privilege and confidentiality established in this
20 section shall not extend to any document created for purposes other than the
21 background check.

22 (j) The board may adopt rules to fully implement this section.

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/s/House

APPROVED: 03/07/2017