

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1314

By: Representative Mitchell

"AN ACT TO AMEND VARIOUS SECTIONS OF ACT 706 OF 1971, AS AMENDED [ARK. STAT. 72-415 ET SEQ.], TO CLARIFY THE DEFINITION OF 'PRACTICE OF CHIROPRACTIC'; TO INCREASE THE ANNUAL LICENSE RENEWAL FEES FOR CHIROPRACTIC PHYSICIANS; TO INCREASE THE APPLICATION FEES FOR CHIROPRACTIC EXAMINATIONS; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Subsection (c) of Section 3 of Act 706 of 1971, the same being Arkansas Statutes 72-417(c), is hereby amended to read as follows:

"(c) 'Practice of Chiropractic' means the engagement for compensation in the diagnosis and analysis of any interference with normal nerve transmission and expression, the procedure preparatory to and complementary to the correction thereof by an adjustment of the articulations of the vertebral column and its immediate articulations, including spinal adjustments, spinal manipulations and spinal mobilizations (meaning any type of pressure, force, thrust, or passive movement singular or plural applied to the spinal vertebrae or their adjacent articulations, by hand or mechanical device) or by other incidental adjustments for the restoration and maintenance of health and includes therapy, the normal regimen, and rehabilitation of the patient for the purpose of removing any injury, deformity, or abnormality of human beings without the use of drugs or surgery."

SECTION 2. Subsection (c) of Section 6 of Act 706 of 1971, as amended, the same being Arkansas Statute 72-420(c), is hereby amended to read as follows:

"(c) The Arkansas State Board of Chiropractic Examiners is empowered to incur whatever expenses it may deem necessary or expedient in performing its

functions and it may employ whatever assistants it may deem necessary or expedient therefor and fix their compensation. Each member of the Board shall receive seventy-five dollars (\$75.00) per day for each day of attendance at regular or special meetings or in attending to any proper business of the Board and in addition thereto he is entitled to reimbursement for all expenses incurred in attending any such meeting or expense incurred in attending to any proper business of the Board. All of the disbursements provided for in this Section shall be out of the fees and fines collected by the Board."

SECTION 3. Section 7 of Act 706 of 1971, as amended, the same being Arkansas Statute 72-421, is hereby amended to read as follows:

"Section 7. It shall be the duty of the Board to meet regularly once in every six (6) months for the purpose of conducting the business of the Board. Special meetings of the Board may be called at any time at the pleasure of the President or by the Secretary on the request of any two (2) members of the Board. Four (4) members shall constitute a quorum at any meeting of the Board. The Board shall determine by its own rules the time and manner of giving notice to its members."

SECTION 4. Subsection (a) of Section 9 of Act 706 of 1971, as amended, the same being Arkansas Statute 72-423(a), is hereby amended to read as follows:

"(a) The Board shall have exclusive jurisdiction to determine who shall be permitted to practice chiropractic in the State of Arkansas. Applications for license to practice chiropractic in the State of Arkansas shall be made to the Secretary of the Board in writing on forms furnished by said Board and shall be signed by the applicant in his own handwriting and acknowledged before some officer authorized to administer oaths. The applicant must submit proof, satisfactory to the Board, of graduation from a chartered school or college of chiropractic as herein described and file with his application the affidavits of at least two (2) licensed and reputable doctors of chiropractic showing him to be possessed of good moral character. The application shall be accompanied by the payment of One Hundred Fifty Dollars (\$150.00). The application shall be filed with the Secretary of the Board not less than forty-five (45) days prior to the next regular meeting of the Board."

SECTION 5. Subsection (e) of Section 9 of Act 706 of 1971, as amended, the same being Arkansas Statute 72-423(e), is hereby amended to read as follows:

"(e) Should said approved applicant fail the examination, no part of his fee shall be returned, and he shall be eligible for reexamination at a later date, at the discretion of the Board, and upon paying an examination fee of Twenty-five Dollars (\$25.00) per failed subject up to Seventy-five Dollars (\$75.00)."

SECTION 6. Subsection (a) of Section 10 of Act 706 of 1971, the same being Arkansas Statute 72-424(a), is hereby amended to read as follows:

"(a) To qualify to take the examination, an applicant must:

- (1) Be at least twenty-one years of age;
- (2) Have successfully completed not less than two (2) years of college education in the field of science;
- (3) Not have had a license to practice chiropractic, in any other state, suspended or revoked nor placed on probation for any cause;
- (4) Possess a valid Doctor of Chiropractic Degree from an approved chiropractic institution whose requirements for which include a course of instruction of not less than four (4) years of nine (9) academic months each or not less than four thousand four hundred (4,400) fifty (50) minute resident class hours;
- (5) Be of good moral character, not convicted of a felony, not a habitual user of intoxicants, drugs or hallucinate preparations; and
- (6) Be a citizen or qualified applicant for citizenship of the United States or a person having official permanent resident status."

SECTION 7. Subsection (d) of Section 10 of Act 706 of 1971, the same being Arkansas Statute 72-424(d), is hereby amended to read as follows:

"(d) The Board shall issue licenses to all applicants who have been approved, paid all the required fees, gained a satisfactory grade on examination, with a general average of seventy-five percent (75%) with no subject falling below sixty percent (60%). The Board shall grade all papers and notify all applicants of the results within forty-five (45) days of the examination. Each applicant failing the examination shall be furnished a list of his or her grades. He or she shall be eligible for reexamination, as put

forth in the rules and regulations of the Board, upon request and the payment of the required fee. Each person receiving a license from the Board shall, prior to practicing chiropractic, have the certificate recorded in the office of the County Clerk of the County where he proposes to practice; and when such person moves to another county for the purpose of continuing the practice of chiropractic, he shall file for record with the County Clerk of the County to which he moves, a certified copy of his license; provided that the fee for each recording of each license shall be Two Dollars (\$2.00)."

SECTION 8. Subsection (a) of Section 11 of Act 706 of 1971, as amended, the same being Arkansas Statute 72-425(a), is hereby amended to read as follows:

"(a) The Board may charge an annual renewal fee not to exceed One Hundred Twenty-Five Dollars (\$125.00) for such license. Provided, the Board may, in its discretion, set the renewal fee for license holders not practicing in the State or for those inactive at a lower fee than for those practicing in the State. The Board may waive the renewal fee for all licentiates who are serving in the armed services at the time the fee is due."

SECTION 9. Section 14 of Act 706 of 1971, the same being Arkansas Statute 72-428, is hereby amended to read as follows:

"Section 14. Any person who shall attempt to practice chiropractic, as herein defined, without having first been licensed or otherwise permitted under the provisions of the Act to do so, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Two Thousand Dollars (\$2,000.00); or by imprisonment in the county jail for a period of not less than one month nor more than eleven months, or by both fine and imprisonment; and each day shall constitute a separate offense."

SECTION 10. Subsection (a) of Section 27 of Act 706 of 1971, the same being Arkansas Statute 72-441(a), is hereby amended to read as follows:

"(a) Grounds for discipline. The Board shall have sole authority over licensed chiropractors to levy fines of not more than One Thousand Dollars (\$1,000.00), to deny, place under probation, suspend or revoke any license to practice chiropractic issued by the Board or applied for in accordance with

the provisions of this Act or otherwise to discipline a licensee upon proof that the person:

(1) Is guilty of fraud or deceit in procuring or attempting to procure a license to practice chiropractic; or

(2) Is guilty of crime or gross immorality; or

(3) Is unfit or incompetent by reason of negligence, habits or other causes; or

(4) Is habitually intemperate or is addicted to the use of habit forming drugs; or

(5) Is mentally incompetent; or

(6) Is guilty of unprofessional conduct; or

(7) Is guilty of fraud or deceit in filing insurance forms, documents, or information pertaining to the health or welfare of a patient; or

(8) Has willfully or repeatedly violated any of the provisions of this Act."

SECTION 11. All laws and parts of laws in conflict with this Act are hereby repealed.

