

**Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.**

State of Arkansas

*As Engrossed: S1/24/01 S1/25/01*

83rd General Assembly

## A Bill

Regular Session, 2001

SENATE BILL 229

By: Senators K. Smith, DeLay, Hunter, B. Johnson, T. Smith, Trusty, Wilkins, *P. Malone*

By: Representatives C. Taylor, Carson, Green, McMellon, R. Smith

### For An Act To Be Entitled

AN ACT TO PROTECT THE PUBLIC HEALTH AND SAFETY BY  
ALLOWING THE ARKANSAS STATE BOARD OF CHIROPRACTIC  
EXAMINERS TO IMPOSE CIVIL PENALTIES; AND FOR OTHER  
PURPOSES.

### Subtitle

AN ACT TO PROTECT THE PUBLIC HEALTH AND  
SAFETY BY ALLOWING THE ARKANSAS STATE  
BOARD OF CHIROPRACTIC EXAMINERS TO  
IMPOSE CIVIL PENALTIES.

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

SECTION 1. Arkansas Code 17-81-301 is amended to read as follows:  
17-81-301. License required.

In order to safeguard life and health, any person practicing or offering  
to practice chiropractic in the state ~~for compensation~~ shall be required to  
submit evidence that he or she is qualified to practice and shall be licensed  
as provided in this chapter.

SECTION 2. Arkansas Code 17-81-303(d) is amended to read as follows:

(d)(1) It is unlawful for any person other than a physician licensed to  
practice chiropractic under the provisions of the Arkansas Chiropractic  
Practices Act, § 17-81-101 et seq., or a physician licensed to practice  
*medicine under the Arkansas Medical Practices Act, ~~§ 17-93-201 et seq.~~ which*  
*begins at § 17-95-201,* to perform spinal mobilizations, spinal adjustments, or

1 spinal manipulations as those terms are defined in § 17-81-102(5).

2 (2) Nothing contained in this subsection shall be construed to  
3 limit or restrict the authority of a licensed physical therapist to practice  
4 *physical therapy as defined in § 17-92-102(1) § 17-93-102(1).*

5 (3) Any person violating the provisions of this subsection shall  
6 be guilty of a misdemeanor and upon conviction shall be punished by a fine of  
7 not ~~less than one thousand dollars (\$1,000)~~ nor more than five thousand  
8 dollars (\$5,000), and each violation shall constitute a separate offense.

9  
10 SECTION 3. Arkansas Code 17-81-303 is amended to add the following new  
11 subsection:

12 (e)(1) If the board determines, after due notice and a hearing, that any  
13 provision of this chapter or any regulation promulgated by the board pursuant  
14 to this chapter has been violated, the board may impose a civil penalty not to  
15 exceed five thousand dollars (\$5000) per violation.

16 (2)(A) The board may file an action in the Circuit Court of  
17 Pulaski County to collect any civil penalty not paid within thirty (30) days  
18 of service of the order assessing the penalty, unless the circuit court enters  
19 a stay of the board's order.

20 (B) If the board prevails in the action, the defendant  
21 shall be directed to pay reasonable attorney's fees and costs incurred by the  
22 board in prosecuting the action in addition to the civil penalty.

23 (3) Any person aggrieved by an action of the board imposing civil  
24 penalties may appeal the decision in the manner and under the procedure  
25 prescribed in the Arkansas Administrative Procedure Act, which begins at 25-  
26 15-201 for appeals from administrative decisions.

27 /s/ K. Smith  
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