

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.

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

As Engrossed: S1/29/07 S2/7/07

# A Bill

SENATE BILL 146

5 By: Senator Wilkins  
6  
7

## For An Act To Be Entitled

8 AN ACT TO AMEND THE ARKANSAS CHIROPRACTIC  
9 PRACTICES ACT; AND FOR OTHER PURPOSES.  
10

### Subtitle

11 TO AMEND THE ARKANSAS CHIROPRACTIC  
12 PRACTICES ACT.  
13  
14  
15  
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
18

19 SECTION 1. Arkansas Code § 17-81-102 is amended to read as follows:  
20 17-81-102. Definitions.

21 As used in this chapter, ~~unless the context otherwise requires:~~

22 (1) "Active range of motion" means motion that patients can  
23 accomplish by themselves;

24 ~~(1)(2)~~ (2) "Analysis" includes physical examination, the use of X-  
25 ray and other analytical instruments, and procedures generally used in the  
26 practice of chiropractic;

27 ~~(2)(3)~~ (3) "Board" means the Arkansas State Board of Chiropractic  
28 Examiners;

29 ~~(3)(4)~~ (4) "Chiropractic" means that science and art which utilizes  
30 the inherent recuperative powers of the body and deals with the relationship  
31 between the nervous system and the spinal column, including its immediate  
32 articulations, and the role of its relationship in the restoration and  
33 maintenance of health;

34 ~~(4)(5)~~ (5) "Chiropractic aide" means an unlicensed member of the  
35 chiropractic team who may assist a chiropractic physician in the performance  
36 of those procedures and techniques constituting the practice of chiropractic



1 as defined in this chapter with the exception of spinal manipulation and  
 2 adjustment, provided that such assistance shall be performed under the direct  
 3 supervision of a licensed chiropractic physician;

4 (6)(A) "Mobilization" means a non-thrust, manual therapy that  
 5 involves passive movement of a joint within its physiologic range of motion.

6 (B) "Mobilization" involves the approximate equivalent of  
 7 the normal range of motion a joint can be taken through by intrinsic  
 8 musculature.

9 (C) "Mobilization" is passive movement within the  
 10 physiologic joint space administered by a clinician for the purpose of  
 11 increasing overall range of motion.

12 (D)(i) Mobilization and manipulation are externally  
 13 applied mechanical measures.

14 (ii) Mobilization ends where manipulation begins;

15 ~~(5)(7)~~ "Physician" means a person authorized or licensed to  
 16 practice medicine pursuant to the Arkansas Medical Practices Act, §§ 17-95-  
 17 201 – 17-95-207, 17-95-301 – 17-95-305, and 17-95-401 – 17-95-411, a person  
 18 authorized or licensed to practice chiropractic pursuant to the provisions of  
 19 this chapter, and a person authorized to practice osteopathy pursuant to §  
 20 17-91-101 et seq.;

21 ~~(6)(A)(8)(A)(i)~~ "Practice of chiropractic" means the engagement  
 22 in the diagnosis and analysis of any ~~interference with normal nerve~~  
 23 ~~transmission and expression, and~~ health condition, including the procedure  
 24 preparatory to and complementary to the correction thereof by an adjustment  
 25 of the articulations of the vertebral column, its immediate articulations,  
 26 including spinal adjustments, spinal manipulations, and spinal mobilizations,  
 27 such as any type of pressure, force, thrust, or passive movement, singular or  
 28 plural, applied to the spinal vertebrae or their adjacent articulations by  
 29 hand or mechanical device or by other incidental adjustments, for the  
 30 restoration and maintenance of health.

31 (ii) The practice of chiropractic includes, without  
 32 limitation, physiotherapy, physical therapy, naturopathic therapy, exercise  
 33 therapy, nutritional therapy, the normal regimen, and rehabilitation of the  
 34 patient for the purpose of removing any injury, deformity, or abnormality of  
 35 human beings without the use of administering drugs or surgery.

36 (B) The practice of chiropractic, as authorized under the

1 provisions of this chapter, shall not include the performance of the duties  
2 of a midwife or obstetrician, therapy by the use of ionizing radiation,  
3 incisive surgery, prescribing for or administering to any person any drug to  
4 be taken internally, or puncturing the skin for the purpose of introducing  
5 any substance into the body. Nothing herein shall prevent puncturing the skin  
6 for routine blood analysis, including red blood count, white blood count,  
7 differential and serology, in the practice of chiropractic for diagnostic  
8 purposes; ~~and.~~

9 (C) A person who is licensed under this chapter may:

10 (i) Practice chiropractic as taught in chiropractic  
11 schools or colleges; and

12 (ii) Use all necessary mechanical, hygienic, and  
13 sanitary measures incident to the care of the body.

14 (D) The practice of chiropractic includes the practice of  
15 acupuncture as defined in § 17-102-102; and

16 ~~(7)(9)(A)~~ "Spinal and extraspinal orthopedic manipulation", also  
17 referred to as "manipulation," and "adjustment" mean the skillful or  
18 dexterous treatment whereby a corrective force or passive movement of the  
19 joint is made to realign vertebrae or articulations to their normal  
20 juxtaposition. a passively applied movement of low amplitude and low-or high-  
21 velocity thrust that moves the joint into the parapsychological range.

22 (B) Manipulation is a passive dynamic thrust that causes  
23 cavitation or gapping and attempts to restore the manipulated joint's range  
24 of motion and neurophysiological function.

25 (C)(i) Manipulation and mobilization are externally  
26 applied mechanical measures.

27 (ii) Manipulation begins where mobilization ends.

28  
29 SECTION 2. Arkansas Code § 17-81-106 is amended to read as follows:  
30 17-81-106. Health and police regulations applicable.

31 (a) Chiropractic practitioners physicians licensed under this chapter  
32 shall be bound by all applicable health and police regulations of the state.

33 (b) They Chiropractic physicians shall be qualified to sign death  
34 certificates, insurance certificates, and all other certificates pertaining  
35 to public health with like effect as other licensed physicians.

36

1           SECTION 3. Arkansas Code § 17-81-208(b), concerning disposition of  
2 funds by the Arkansas State Board of Chiropractic Examiners is amended to  
3 read as follows:

4           (b) All funds received by the board shall be expended in the  
5 furtherance of the purposes of this chapter and the board's duties ~~thereunder~~  
6 under this chapter, which include, but are not limited to without limitation:

7                   (1) The publication and distribution of the Arkansas  
8 Chiropractic Practices Act, § 17-81-101 et seq.;

9                   (2) The publication and yearly distribution of a directory of  
10 all licensed chiropractic ~~practitioners~~ physicians;

11                   (3) Investigations of violations of this chapter;

12                   (4) Institution of actions to compel compliance with the  
13 provisions of this chapter; and

14                   (5) Defense of actions brought against it as a result of its  
15 actions under the provisions of this chapter.

16  
17           SECTION 4. Arkansas Code § 17-81-302 is amended to read as follows:

18           17-81-302. Exempted activities.

19           Nothing herein shall be construed to prohibit or to require a license  
20 hereunder with respect to any of the following acts:

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

22                   (2) The performance of services in this state on an occasional  
23 basis, limited to ninety (90) days in each calendar year, by a chiropractor  
24 lawfully practicing chiropractic in another state or territory. However, if  
25 any such chiropractor performs services on a regular basis, or for his or her  
26 regular use maintains or is provided with any office or other place to meet  
27 persons for the performance of such services in the State of Arkansas, he or  
28 she shall obtain a license to practice chiropractic in the State of Arkansas;

29   ~~or~~

30                   (3) ~~The practice of medicine and surgery, osteopathy, dentistry,~~  
31 ~~podiatry, optometry, Christian Science, physical therapy, cosmetology,~~  
32 ~~therapy technology, or any other branch of the healing arts as defined by the~~  
33 ~~laws of this state as now or hereafter enacted, it not being intended by this~~  
34 ~~chapter to limit, restrict, enlarge, or alter the privileges and practices of~~  
35 ~~any of these professions or branches of the healing arts.~~

36                   The practice of the following professions, as defined by the laws

1 of this state, that this chapter is not intended to limit, restrict, enlarge,  
2 or alter the privileges and practice of, as provided by the laws of this  
3 state:

4 (A) Dentistry;

5 (B) Podiatry;

6 (C) Optometry;

7 (D) Medicine and surgery;

8 (E) Osteopathy; or

9 (F) Cosmetology; or

10 (4) As defined and limited by the laws of this state, the  
11 performance of the duties of a:

12 (A) Physical therapist; or

13 (B) Massage therapist.

14  
15 SECTION 5. Arkansas Code § 17-81-303(c)(1), regarding unlawful acts  
16 under the Arkansas Chiropractic Practices Act, is amended to read as follows:

17 (c)(1) It is unlawful for any person other than a physician licensed  
18 to practice chiropractic under the provisions of the Arkansas Chiropractic  
19 Practices Act, § 17-81-101 et seq., or a physician licensed to practice  
20 medicine under the Arkansas Medical Practices Act, §§ 17-95-201 et seq., 17-  
21 95-301 et seq., and 17-95-401 et seq., to perform spinal and extraspinal  
22 orthopedic manipulation, adjustment, and spinal mobilizations,~~spinal~~  
23 ~~adjustments, or spinal manipulations~~ as those terms are defined in ~~§ 17-81-~~  
24 ~~102(7)~~ § 17-81-102.

25  
26 SECTION 6. Arkansas Code §§ 17-81-304 – 17-81-306 are amended to read  
27 as follows:

28 17-81-304. Application – Fees.

29 (a)(1) Applications for license to practice chiropractic in the State  
30 of Arkansas shall be made to the Executive Director of the Arkansas State  
31 Board of Chiropractic Examiners in writing on forms furnished by the board.  
32 The application shall be signed by the applicant in his or her own  
33 handwriting and acknowledged before an officer authorized to administer  
34 oaths.

35 (2) The applicant must submit proof satisfactory to the board of  
36 graduation from a chartered school or college of chiropractic as herein

1 described and file with his or her application the affidavits of at least two  
 2 (2) licensed and reputable doctors of chiropractic showing him or her to be  
 3 possessed of good moral character.

4 (3) The application shall be accompanied by the payment of ~~one~~  
 5 ~~hundred fifty dollars (\$150)~~ two hundred fifty dollars (\$250), and fifty  
 6 dollars (\$50.00) for an orientation fee.

7 (4) The application shall be filed with the executive director  
 8 not less than forty-five (45) days prior to the next regular meeting of the  
 9 board.

10 (b) If the applicant is approved, the applicant shall be admitted for  
 11 examination, orientation, and licensure. ~~Should the applicant pass the~~  
 12 ~~examination, no part of the fee shall be returned, and he or she shall be~~  
 13 ~~issued a license to practice chiropractic in accordance with the provisions~~  
 14 ~~of this chapter.~~

15 (c) If the applicant is not approved:

16 (1) ~~he~~ He or she shall be notified of the reasons for the  
 17 disapproval; and

18 (2) The fifty-dollar orientation fee required under subdivision  
 19 (a)(3) of this section shall be refunded to the applicant.

20 (d) Should an applicant be approved but fail to appear for the  
 21 examination or orientation, no part of his or her fee shall be returned, but  
 22 he or she shall be eligible for examination or orientation at a later date  
 23 upon at least thirty (30) days' prior notice to the board.

24 (e) Should the approved applicant fail the examination, no part of his  
 25 or her fee shall be returned, and he or she shall be eligible for  
 26 reexamination at a later date, at the discretion of the board, and upon  
 27 paying an examination fee of ~~twenty-five dollars (\$25.00)~~ up to seventy-five  
 28 dollars (\$75.00) per failed subject.

29  
 30 17-81-305. Qualifications of applicants.

31 (a) To qualify ~~to take the~~ for examination, orientation, and  
 32 licensure, an applicant ~~must~~ shall:

33 (1) Be at least twenty-one (21) years of age;

34 (2) Have successfully completed not less than a minimum of sixty  
 35 (60) semester credit hours of college education, to include a minimum of  
 36 thirty (30) semester credit hours in the field of science;

1 (3) Not have had a license to practice chiropractic in any other  
2 state suspended or revoked nor have been placed on probation for any cause;

3 (4) Possess a valid "doctor of chiropractic" degree from a  
4 chiropractic institution whose requirements include a course of instruction  
5 of not fewer than four (4) years of nine (9) academic months each or not  
6 fewer than four thousand four hundred (4,400) fifty-minute resident class  
7 hours and include one hundred twenty (120) classroom hours of physiological  
8 therapeutics;

9 (5) Possess ~~a valid National Chiropractic Board certificate, to~~  
10 ~~include Parts I, II, and III, and the physiological therapeutics section;~~  
11 credentials as follows:

12 (A) If an applicant graduated on or after January 1, 1970,  
13 but before January 1, 1989, Part I, Part II, and Physiotherapy;

14 (B) If an applicant graduated on or after January 1, 1989  
15 but before January 1, 2002, Part I, Part II, Part III, and Physiotherapy; or

16 (C) If the applicant graduated on or after January 1,  
17 2002, Part I, Part II, Part III, Part IV with a score of 375 or greater, and  
18 Physiotherapy;

19 (6) Be of good moral character;

20 (7) Not have been convicted of a felony;

21 (8) Not be an habitual user of intoxicants, drugs, or  
22 hallucinatory preparations;

23 (9) Pay the application fee as provided in § 17-81-304; and

24 (10) Cause a certified chiropractic college transcript ~~or~~ and  
25 National Board transcript to be submitted directly from the respective  
26 institutions.

27 (b) An applicant ~~graduated, as of July 19, 1971, graduating before~~  
28 1970 from a school or college of chiropractic, the requirements and course of  
29 instruction of which were equal and comparable to other recognized schools or  
30 colleges of chiropractic at the time of his or her attendance, may be  
31 acceptable.

32 (c) For ~~students~~ graduates who are enrolled in any Council on  
33 Chiropractic Education-approved chiropractic school or college which may not,  
34 at the passage date of this act, meet the requirements as set forth in  
35 subdivision (a)(4) of this section, the Arkansas State Board of Chiropractic  
36 Examiners may waive the requirement, in individual cases, at its discretion.

1           (d) ~~In lieu of the practical examination set out in § 17-81-306, with~~  
 2 ~~the exception of subdivision (a)(1)(A) in that section, the applicant may~~  
 3 ~~present the board with evidence of passing the National Board Part IV with a~~  
 4 ~~minimum score of 375 which shall be accepted by the board as a passing grade.~~  
 5 The applicant shall pass the Arkansas State Board of Chiropractic Examiners'  
 6 Jurisprudence and Ethics Examination.

7  
 8           17-81-306. Examination.

9           (a)(1) ~~Examinations~~ An examination shall be given in English and in  
 10 writing, except for certain applicants with disabilities such as blind  
 11 persons, and shall include the ~~following subjects:~~ subjects of ethics and  
 12 jurisprudence.

13                           ~~(A) Practice management, ethics, and jurisprudence;~~

14                           ~~(B) Physical and clinical diagnosis;~~

15                           ~~(C) Chiropractic examination procedures;~~

16                           ~~(D) Chiropractic adjustive and manipulative therapeutics;~~

17                           ~~(E) X ray interpretations; and~~

18                           ~~(F) Chiropractic philosophy.~~

19           ~~(2) Examinations for applicants having passed Part III on the~~  
 20 ~~National Board shall include only the following subjects:~~

21                           ~~(A) Practice, ethics, and jurisprudence;~~

22                           ~~(B) Chiropractic examination procedures;~~

23                           ~~(C) Chiropractic adjustive and manipulative therapeutics;~~

24 ~~and~~

25                           ~~(D) Physical and clinical diagnostic methods.~~

26           (b) The Arkansas State Board of Chiropractic Examiners shall grade all  
 27 papers and notify all applicants of the results within ~~forty-five (45)~~ five  
 28 (5) days of the examination.

29           (c)(1) Each applicant failing the examination shall be furnished a  
 30 ~~list~~ of his or her grades.

31                           (2) ~~He or she~~ Each failing applicant shall be eligible for  
 32 reexamination, as ~~put forth~~ permitted in the rules and regulations of the  
 33 board, upon request and the payment of the required ~~fee~~ fees.

34           (d) All examination papers shall be retained by the board for a  
 35 minimum period of two (2) years and shall be available for inspection, by  
 36 appointment, by any aggrieved applicant.

1  
2           SECTION 7. Arkansas Code § 17-81-307(a), concerning issuance of  
3 licenses by the Arkansas State Board of Chiropractic Examiners, is amended to  
4 read as follows:

5           (a) The Arkansas State Board of Chiropractic Examiners shall issue  
6 licenses to all applicants who have met the requirements and been approved by  
7 the board, paid all the required fees, and ~~gained a satisfactory grade on~~  
8 ~~examination, with a general average of seventy five percent (75%) with no~~  
9 ~~subject falling below sixty percent (60%)~~ passed the required examination of  
10 the board.

11  
12           SECTION 8. Arkansas Code § 17-81-310 is amended to read as follows:  
13           17-81-310. Orientation class.

14           (a) The Arkansas State Board of Chiropractic Examiners ~~is authorized~~  
15 ~~to~~ may conduct an orientation class for all ~~new licensees~~ applicants for  
16 licensure.

17           (b) The board ~~is authorized to~~ may include in the orientation class  
18 instruction relating to office procedures, the filing of insurance claims,  
19 and ~~such~~ other matters as the board may deem necessary or appropriate to  
20 equip new licensees to establish and maintain a practice and to effectively  
21 and efficiently operate and manage their offices and other facilities related  
22 to their practice of chiropractic practice and for the protection of the  
23 consumer.

24  
25           SECTION 9. Arkansas Code § 17-81-317(c), concerning reactivation of a  
26 lapsed chiropractic license is amended to read as follows:

27           (c) If the licensee's license has been inactive for a period of five  
28 (5) years, as a condition of reactivation the board may require the licensee  
29 to enroll in and pass a refresher course approved by the board at an  
30 accredited chiropractic college or to pass a competency ~~exam given by the~~  
31 ~~board~~ examination such as the special purposes examination administered by  
32 the National Board of Chiropractic Examiners."

33  
34           SECTION 10. Arkansas Code Title 17, Chapter 81, Subchapter 3 is  
35 amended add an additional section to read as follows:

36           17-81-318. Transfer of License

