

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

HOUSE BILL 1356

4
5 By: Representative Scott
6

For An Act To Be Entitled

8 AN ACT TO REQUIRE REVOCATION OF THE LICENSE OF A
9 CHIROPRACTOR WHO HAS BEEN CONVICTED OF A SEX CRIME;
10 TO ENSURE THE SAFETY OF PATIENTS OF CHIROPRACTORS BY
11 REQUIRING CRIMINAL BACKGROUND CHECKS AT LEAST ONCE
12 EVERY FIVE (5) YEARS; AND FOR OTHER PURPOSES.
13
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Subtitle

15 TO REQUIRE REVOCATION OF THE LICENSE OF A
16 CHIROPRACTOR CONVICTED OF A SEX CRIME; TO
17 ENSURE THE SAFETY OF PATIENTS OF
18 CHIROPRACTORS FOUND GUILTY OF SEX CRIMES
19 BY REQUIRING CRIMINAL BACKGROUND CHECKS.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 17-81-313 is amended to read as follows:

26 17-81-313. Disciplinary proceedings – Revocation or suspension.

27 (a) The Except as provided under subsection (b) of this section, the
28 Arkansas State Board of Chiropractic Examiners shall have sole authority over
29 licensed chiropractors to levy a civil penalty of not more than five thousand
30 dollars (\$5,000) nor less than one thousand dollars (\$1,000) for each
31 violation, to deny, place under probation, suspend, or revoke any license to
32 practice chiropractic issued by the board or applied for in accordance with
33 the provisions of this chapter, or otherwise to discipline a licensee upon
34 proof that the person:

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



- 1 (2) Is guilty of crime or gross immorality;
- 2 (3) Is unfit or incompetent by reason of negligence, habits, or
- 3 other causes;
- 4 (4) Is habitually intemperate or is addicted to the use of
- 5 habit-forming drugs;
- 6 (5) Is mentally incompetent;
- 7 (6) Is guilty of unprofessional conduct;
- 8 (7) Is guilty of fraud or deceit in filing insurance forms,
- 9 documents, or information pertaining to the health or welfare of a patient;
- 10 or
- 11 (8) Has willfully or repeatedly violated any of the provisions
- 12 of this chapter.

13 (b) If a licensed chiropractor pleads guilty or nolo contendere to or
 14 is found guilty of rape, attempted rape, sexual assault, or a similar sex
 15 crime, the board shall revoke the license of the chiropractor.

16 ~~(b)~~(c) Proceedings under this section shall comply with the Arkansas
 17 Administrative Procedure Act, § 25-15-201 et seq.\

18
 19 SECTION 2. Arkansas Code § 17-81-314 is amended to read as follows:
 20 17-81-314. Reinstatement.

21 (a) A chiropractic license ~~which~~ that has been revoked for repeated
 22 violation of any of the causes enumerated in § ~~17-81-313~~ shall not be § 17-
 23 81-313(a) or that has been revoked under § 17-81-313(b) is not eligible for
 24 reinstatement.

25
 26 SECTION 3. Arkansas Code § 17-81-311(c), regarding renewal fees for
 27 chiropractor licenses, is amended to read as follows:

28 (c)(1) A renewal fee will be considered "paid" pursuant to this
 29 section if it is received in the board office or postmarked on or before the
 30 date the fee is due.

31 (2) If a license expires and is forfeited because the renewal
 32 fee is not paid on time, the license may be reinstated upon payment of the
 33 delinquent fee due, payment of a penalty of two hundred dollars (\$200), and
 34 complying with the continuing education and federal and state criminal
 35 background check requirements of § 17-81-312.

SECTION 4. Arkansas Code § 17-81-312 is amended to read as follows:

17-81-312. Renewal – Education requirement – Criminal background check.

(a)(1) The Arkansas State Board of Chiropractic Examiners shall not renew the license of ~~any~~ a person actively engaged in practice within the State of Arkansas unless the person presents to the board evidence of attendance during the preceding twelve (12) months at:

~~(1)~~(A) An approved educational session or sessions of not less than twenty-four (24) hours' duration conducted by an approved chiropractic institution of learning or by some association approved by the board for the teaching of chiropractic philosophy and scientific courses pertaining to the profession; or

~~(2)~~(B) An educational course conducted by the board.

~~(b)~~~~(1)~~(2)(A) The board may waive the requirement upon being presented a certificate from the doctor in charge that the license holder was physically unable on account of sickness or injury, or upon a showing that the license holder was in military service, when the course was conducted within this state during the preceding twelve (12) months.

~~(2)~~(B) The board may waive the requirement for any other valid reason.

~~(3)~~(C) Any person who is initially licensed in January shall be required to complete twenty-four (24) hours of continuing education by December 31 of that year, and each year thereafter comply with ~~subdivision (a)(1) of this section~~ this subsection (a).

~~(4)~~(D) Any person who is initially licensed in July shall submit a certificate of attendance of a minimum of twelve (12) hours of continuing education program approval by the board. Each year thereafter the doctor shall submit a certificate of attendance of completion of twenty-four (24) hours of continuing education seminars by December 31 of each year.

~~(e)~~(3) The presentation of a fraudulent or forged evidence of attendance at an educational session shall be a cause for suspension or revocation of the holder's license.

(b)(1) The board shall require a federal and state criminal background check for the renewal of each license at least one (1) time every five (5) years.

(2) The board shall begin to require the federal and state

1 background check in 2014 and shall implement the background checks with at
2 least twenty percent (20%) of the licensees for that year and each following
3 year so that each licensee has a background check at least one (1) time every
4 five (5) years.

5 (3) The cost of the federal and state criminal background check
6 shall be added to the fees for license renewal and paid at the same time as
7 the fees for license renewal.

8 (4) A chiropractor who does not submit to a federal and state
9 background check as required under this subsection shall be accompanied by an
10 assistant whenever the chiropractor interviews or treats a patient.

11 (5) The board shall not renew the license of a chiropractor who
12 refuses to submit to a federal and state criminal background check as
13 required under this subsection (b).

14 (5) The board shall act on the results of the federal and state
15 criminal background check as provided under § 17-81-313.

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17 SECTION 5. Arkansas Code § 17-81-317(a), concerning reactivation of
18 lapsed license, is amended to read as follows:

19 (a) ~~Any~~ A licensee who allows his or her license to lapse by failing
20 to renew the license as provided under § 17-81-311 may apply to the Arkansas
21 State Board of Chiropractic Examiners for a reinstatement of his or her
22 license and must submit to the board a reinstatement fee of twenty-five
23 dollars (\$25.00) together with all back fees, plus proof of compliance with
24 the continuing education and federal and state background check requirements
25 of § 17-81-312.