

SECOND REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1246
92ND GENERAL ASSEMBLY

Reported from the Committee on Professional Registration and Licensing, March 10, 2004, with recommendation that the House Committee Substitute for House Bill No. 1246 Do Pass by Consent.

Perfected by Consent March 18, 2004.

STEPHEN S. DAVIS, Chief Clerk

3909L.04P

AN ACT

To repeal sections 331.010, 331.030, and 331.050, RSMo, and to enact in lieu thereof five new sections relating to chiropractors and their keeping of medical records.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 331.010, 331.030, and 331.050, RSMo, are repealed and five new
2 sections enacted in lieu thereof, to be known as sections 331.010, 331.030, 331.050, 331.110,
3 and 331.115, to read as follows:

331.010. 1. The "practice of chiropractic" is defined as the science and art of
2 examination, diagnosis, adjustment, manipulation and treatment of malpositioned articulations
3 and structures of the body, both in inpatient and outpatient settings. The adjustment,
4 manipulation, or treatment shall be directed toward restoring and maintaining the normal
5 neuromuscular and musculoskeletal function and health. It shall not include the use of operative
6 surgery, obstetrics, osteopathy, podiatry, nor the administration or prescribing of any drug or
7 medicine nor the practice of medicine. The practice of chiropractic is declared not to be the
8 practice of medicine and operative surgery or osteopathy within the meaning of chapter 334,
9 RSMo, and not subject to the provisions of the chapter.

10 2. A licensed chiropractor may practice chiropractic as defined in subsection 1 of this
11 section by those methods commonly taught in any chiropractic college recognized and approved
12 by the board.

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

13 3. Chiropractors may advise and instruct patients in all matters pertaining to hygiene,
14 nutrition, and sanitary measures as taught in any chiropractic college recognized and approved
15 by the board.

16 **4. The practice of chiropractic may include meridian**
17 **therapy/acupressure/acupuncture with certification as required by the board.**

 331.030. 1. No person shall engage in the practice of chiropractic without having first
2 secured a chiropractic license as provided in this chapter.

3 2. Any person desiring to procure a license authorizing the person to practice chiropractic
4 in this state shall be at least twenty-one years of age and shall make application on the form
5 prescribed by the board. The application shall contain a statement that it is made under oath or
6 affirmation and that representations contained thereon are true and correct to the best knowledge
7 and belief of the person signing the application, subject to the penalties of making a false
8 affidavit or declaration, and shall give the applicant's name, address, age, sex, name of
9 chiropractic schools or colleges which the person attended or of which the person is a graduate,
10 and such other reasonable information as the board may require. The applicant shall give
11 evidence satisfactory to the board of the successful completion of the educational requirements
12 of this chapter, that the applicant is of good moral character, and that the chiropractic school or
13 college of which the applicant is a graduate is teaching chiropractic in accordance with the
14 requirements of this chapter. The board may make a final determination as to whether or not the
15 school from which the applicant graduated is so teaching.

16 3. Before a person shall be eligible to sit for a practical examination, the applicant shall
17 furnish evidence satisfactory to the board that the applicant has received, prior to entering
18 chiropractic college, a minimum of sixty credit hours, leading to a baccalaureate degree, from
19 a preprofessional college, which credit must be in those subjects, hours and course content as
20 may be provided for by the Council on Chiropractic Education or, in the absence of the Council
21 on Chiropractic Education or its provision for such subjects, hours and course content, as
22 adopted by rule of the board. The examination applicant shall also provide evidence satisfactory
23 to the board of having graduated from a chiropractic college having status with the Commission
24 on Accreditation of the Council on Chiropractic Education or its successor. Any senior student
25 in a chiropractic college having status with the Commission on Accreditation on the Council on
26 Chiropractic Education or its successor, may take a practical examination administered or
27 approved by the board under such requirements and conditions as are adopted by the board by
28 rule, but no license shall be issued until all of the requirements for licensure have been met.

29 4. Each applicant shall pay upon application an application or examination fee. All
30 moneys collected pursuant to the provisions of this chapter shall be nonrefundable and shall be
31 collected by the director of the division of professional registration who shall transmit it to the

32 department of revenue for deposit in the state treasury to the credit of the chiropractic board fund.
33 Any person failing to pass a practical examination administered or approved by the board may
34 be reexamined upon fulfilling such requirements, including the payment of a reexamination fee,
35 as the board may by rule prescribe.

36 5. Every applicant for licensure by examination shall have taken and successfully passed
37 all required and optional parts of the written examination given by the National Board of
38 Chiropractic Examiners, including the written clinical competency examination, under such
39 conditions as established by rule of the board, and all applicants for licensure by examination
40 shall successfully pass a practical examination administered or approved by the board and a
41 written examination testing the applicant's knowledge and understanding of the laws and
42 regulations regarding the practice of chiropractic in this state. The board shall issue to each
43 applicant who meets the standards and successful completion of the examinations, as established
44 by rule of the board, a license to practice chiropractic. The board shall not recognize any
45 correspondence work in any chiropractic school or college as credit for meeting the requirements
46 of this chapter.

47 6. The board shall issue a license without examination to persons who have been
48 regularly licensed to practice chiropractic in any other state, territory, or the District of Columbia,
49 or in any foreign country, [provided that the licensing authority grants equivalent reciprocal
50 licensing to Missouri licensees and] provided that the regulations for securing a license in the
51 other jurisdiction are equivalent to those required for licensure in the state of Missouri, when the
52 applicant furnishes satisfactory evidence that the applicant has continuously practiced
53 chiropractic for at least one year immediately preceding the applicant's application to the board
54 and that the applicant is of good moral character, and upon the payment of the reciprocity license
55 fee as established by rule of the board. The board may require an applicant to successfully
56 complete the special purposes examination for chiropractic (SPEC) administered by the National
57 Board of Chiropractic Examiners if the [applicant's licensing authority does not grant equivalent
58 reciprocal licensing to Missouri licensees, or if the] requirements for securing a license in the
59 other jurisdiction are not equivalent to those required for licensure in the state of Missouri **at the**
60 **time application is made for licensure under this subsection.**

61 7. Any applicant who has failed any portion of the practical examination administered
62 or approved by the board three times shall be required to return to an accredited chiropractic
63 college for a semester of additional study in the subjects failed, as provided by rule of the board.

64 **8. A chiropractic physician currently licensed in Missouri shall apply to the board**
65 **for certification prior to engaging in the practice of meridian therapy/**
66 **acupressure/acupuncture. Each such application shall be accompanied by the required fee.**
67 **The board shall establish by rule the minimum requirements for the specialty certification**

68 **under this subsection. Meridian therapy/acupressure/acupuncture shall mean methods of**
69 **diagnosing and the treatment of a patient by stimulating specific points on or within the**
70 **body by various methods including but not limited to manipulation, heat, cold, pressure,**
71 **vibration, ultrasound, light, electrocurrent, and short-needle insertion for the purpose of**
72 **obtaining a biopositive reflex response by nerve stimulation.**

73 **9. The board may through its rulemaking process authorize chiropractic physicians**
74 **holding a current Missouri license to apply for certification in a specialty as the board may**
75 **deem appropriate and charge a fee for application for certification, provided that:**

76 **(1) The board establishes minimum initial and continuing educational requirements**
77 **sufficient to ensure the competence of applicants seeking certification in the particular**
78 **specialty; and**

79 **(2) The board shall not establish any provision for certification of licensees in a**
80 **particular specialty which is not encompassed within the practice of chiropractic as defined**
81 **in section 331.010.**

331.050. 1. All persons once licensed to practice chiropractic in this state shall pay on
2 or before the license renewal date a renewal license fee and shall furnish to the board satisfactory
3 evidence of the completion of the requisite number of hours, which shall not be less than twelve
4 hours nor more than twenty-four hours per year, of postgraduate study or not less than
5 twenty-four hours nor more than forty-eight hours if renewal occurs biennially. The postgraduate
6 study required shall be a course of study approved by the board. The requisite number of hours
7 is to be determined by the board. The board may set the requisite number of hours between the
8 range of twelve to twenty-four hours, but may not increase the number of hours in excess of
9 twelve hours by more than four hours in any two-year period. The board shall give advance
10 notice of one year to all chiropractors licensed in the state before increasing the number of
11 required hours. The educational requirements may be waived by the board upon presentation to
12 it of satisfactory evidence of the illness of the chiropractor or for other good cause. A notice that
13 the renewal fee will be due on the renewal date shall, on or before the first day of the month
14 immediately preceding the renewal date, be mailed to all chiropractors licensed in the state for
15 more than three months. Each practitioner of chiropractic shall display in his or her office, in
16 a conspicuous place, his or her renewal license together with his or her original license showing
17 that such practitioner of chiropractic is lawfully entitled to practice chiropractic. Failure of the
18 licensee to receive the renewal form shall not relieve the licensee of the duty to renew his or her
19 license and pay the fee required by this chapter.

20 **2. Any licensee who allows his or her license to lapse by failing to renew the license as**
21 **provided in sections 331.010 to 331.100 may be reinstated upon satisfactory explanation of such**
22 **failure to renew his or her license and the payment of a reactivation fee and the current renewal**

23 fee. Any delinquent licensee who has been out of active practice for more than [three] **five** years
24 shall be required to return to an accredited chiropractic college for a semester of additional study
25 in the clinical subjects prior to the board reviewing his or her request for reinstatement, and to
26 pass a practical examination administered by the board.

27 **3. Notwithstanding any law to the contrary any person licensed pursuant to this**
28 **chapter may apply to the state board of chiropractic examiners for an inactive license**
29 **status on a form furnished by the board. Upon receipt of the completed inactive status**
30 **application form and the board's determination that the license meets the requirements**
31 **established by rule the board shall place the license on inactive status. A person whose**
32 **license is inactive or who has discontinued the practice of chiropractic because of**
33 **retirement shall be allowed to practice only on himself or herself and such person's**
34 **immediate family.**

35 **4. During any period of inactive status the licensee shall not be required to comply**
36 **with the board's requirements for continuing education.**

37 **5. If a licensee is granted inactive status the licensee may return to active status**
38 **within five years of the license being placed on inactive status by notifying the board in**
39 **advance in writing, paying the appropriate fees, and meeting all established requirements**
40 **of the board as defined by rule excluding the licensing examination as a condition of**
41 **reinstatement.**

331.110. 1. Chiropractors shall maintain an adequate and complete patient record
2 **for each patient and may maintain electronic records provided that the record-keeping**
3 **format is capable of being printed for review by the state board of chiropractic examiners.**
4 **An adequate and complete patient record shall include documentation of the following**
5 **information:**

6 **(1) Identification of the patient including name, birth date, address, and telephone**
7 **number;**

8 **(2) The date or dates the patient was seen;**

9 **(3) The current status of the patient including the reason for the visit;**

10 **(4) Observation of pertinent physical findings;**

11 **(5) Assessment and clinical impression or diagnosis, to the extent authorized by**
12 **section 331.010;**

13 **(6) Plan for care and treatment or additional consultations or diagnostic testing,**
14 **if necessary, to the extent authorized by section 331.010;**

15 **(7) Any informed consent for office procedures or tests, to the extent authorized by**
16 **section 331.010.**

17 **2. Patient records remaining under the care, custody, and control of the licensee**

18 shall be maintained by the licensee of the board or the licensee's designee for a minimum
19 of seven years from the date of when the last professional service was provided.

20 3. Any correction, addition, or change in any patient record made more than forty-
21 eight hours after the final entry is entered in the record and signed by the chiropractor
22 shall be clearly marked and identified as such and the date, time, and name of the person
23 making the correction, addition, or change shall be included as well as the reason for the
24 correction, addition, or change.

25 4. The board shall not initiate disciplinary action under section 331.060, against a
26 licensee solely based on a violation of this section. If the board initiates disciplinary action
27 against the licensee for any reason other than a violation of this section the board may
28 allege violation of this section as an additional cause for discipline under section 331.060.

29 5. The board shall not obtain a medical record of a patient without written
30 authorization from the patient to obtain the medical record or the issuance of a subpoena
31 for the medical record of the patient.

331.115. A chiropractic physician licensed outside of this state shall not be required
2 to obtain a Missouri license when:

3 (1) In consultation as a result of transmission of individual patient data by
4 electronic or other means from within this state to an out-of-state licensed chiropractor
5 with a chiropractor licensed to practice in this state, so long as a chiropractor licensed in
6 this state retains ultimate authority and responsibility for the diagnosis or treatment in the
7 care of the patient located within this state; or

8 (2) Evaluating a patient or rendering an oral or written chiropractic opinion, in
9 connection with providing testimony or reviewing records for the purpose of any civil,
10 criminal, or administrative proceeding in this state.