
By: Delegate Fulton

Introduced and read first time: February 9, 1996

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 1996

CHAPTER ____

1 AN ACT concerning

2 **Board of Chiropractic Examiners - Unauthorized Practice of Chiropractic and Injunctive**
3 **Actions**

4 FOR the purpose of establishing certain penalties for persons found guilty of attempting
5 to practice or practicing chiropractic without a license or misrepresenting to the
6 public that the person is authorized to practice chiropractic; authorizing an action
7 to be maintained in the name of the State or by the Board to enjoin certain persons
8 from practicing chiropractic without a license or engaging in certain conduct under
9 certain circumstances; specifying where the action for an injunction may be brought;
10 specifying the effect of such an action being brought; and generally relating to
11 establishing certain penalties and authorizing the bringing of certain injunctive
12 actions against certain persons under certain circumstances.

13 BY repealing

- 14 Article - Health Occupations
- 15 Section 3-506
- 16 Annotated Code of Maryland
- 17 (1994 Replacement Volume and 1995 Supplement)

18 BY adding to

- 19 Article - Health Occupations
- 20 Section 3-316.1 and 3-506
- 21 Annotated Code of Maryland
- 22 (1994 Replacement Volume and 1995 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That Section(s) 3-506 of Article - Health Occupations of the Annotated
25 Code of Maryland be repealed.

2

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3 **Article - Health Occupations**

4 3-316.1.

5 (A) AN ACTION MAY BE MAINTAINED IN THE NAME OF THIS STATE OR THE
6 BOARD TO ENJOIN:

7 (1) THE UNAUTHORIZED PRACTICE OF CHIROPRACTIC; OR

8 (2) CONDUCT THAT IS A GROUND FOR DISCIPLINARY ACTION UNDER §
9 3-313 OF THIS SUBTITLE.

10 (B) AN ACTION UNDER THIS SECTION MAY BE BROUGHT BY:

11 (1) THE BOARD, IN ITS OWN NAME;

12 (2) THE ATTORNEY GENERAL, IN THE NAME OF THIS STATE; OR

13 (3) A STATE'S ATTORNEY, IN THE NAME OF THIS STATE.

14 (C) AN ACTION UNDER THIS SECTION SHALL BE BROUGHT IN THE COUNTY
15 WHERE THE DEFENDANT:

16 (1) RESIDES; OR

17 (2) ENGAGES IN THE ACTS SOUGHT TO BE ENJOINED.

18 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN
19 ACTION UNDER THIS SECTION MAY NOT BE BROUGHT AGAINST AN INDIVIDUAL
20 WHO IS AUTHORIZED TO PRACTICE A HEALTH OCCUPATION UNDER THIS ARTICLE.

21 (2) AN ACTION UNDER THIS SECTION MAY BE BROUGHT AGAINST AN
22 INDIVIDUAL WHO IS AUTHORIZED TO PRACTICE CHIROPRACTIC UNDER THIS TITLE.

23 ~~(D)~~ (E) PROOF OF ACTUAL DAMAGE OR THAT ANY PERSON WILL SUSTAIN
24 ANY DAMAGE IF AN INJUNCTION IS NOT GRANTED IS NOT REQUIRED FOR AN
25 ACTION UNDER THIS SECTION.

26 ~~(E)~~ (F) AN ACTION UNDER THIS SECTION IS IN ADDITION TO AND NOT
27 INSTEAD OF CRIMINAL PROSECUTION FOR THE UNAUTHORIZED PRACTICE OF
28 CHIROPRACTIC UNDER § 3-501 OF THIS TITLE OR DISCIPLINARY ACTION UNDER §
29 3-313 OF THIS SUBTITLE.

30 3-506.

31 ~~(A)~~ ~~(4)~~ A PERSON WHO PRACTICES OR ATTEMPTS TO PRACTICE
32 CHIROPRACTIC WITHOUT A LICENSE IN VIOLATION OF § 3-501 OF THIS SUBTITLE OR
33 REPRESENTS TO THE PUBLIC IN VIOLATION OF § 3-502 OF THIS SUBTITLE THAT THE
34 PERSON IS AUTHORIZED TO PRACTICE CHIROPRACTIC IS GUILTY OF A
35 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

HOUSE BILL 1163

3

1 ~~(H)~~ (1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$2,000 OR
2 IMPRISONMENT NOT EXCEEDING 6 MONTHS; OR

3 ~~(H)~~ (2) FOR A SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING
4 \$6,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR.

5 ~~(2) A PERSON WHO VIOLATES § 3-501 OF THIS SUBTITLE IS SUBJECT TO A~~
6 ~~CIVIL FINE OF NOT MORE THAN \$50,000 TO BE LEVIED BY THE BOARD.~~

7 ~~(B) (1) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS~~
8 ~~SECTION INTO THE STATE BOARD OF CHIROPRACTIC EXAMINERS FUND,~~
9 ~~ESTABLISHED UNDER § 3-206 OF THIS TITLE.~~

10 ~~(2) 20% OF THE PENALTIES COLLECTED UNDER PARAGRAPH (1) OF THIS~~
11 ~~SUBSECTION SHALL BE TRANSFERRED INTO THE GENERAL FUND OF THE STATE.~~

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 1996.