

# SENATE BILL 62

J2

(8lr0052)

## ENROLLED BILL

— *Education, Health, and Environmental Affairs/Health and Government  
Operations* —

Introduced by **Chair, Education, Health, and Environmental Affairs Committee (By  
Request – Departmental – Health)**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Maryland Chiropractic Act – Revisions**

3 FOR the purpose of repealing a requirement that the State Board of Chiropractic  
4 Examiners issue paper copies of licenses; prohibiting, under certain circumstances,  
5 an applicant for a license to practice chiropractic from being required under a certain  
6 provision of law to hold a bachelor's degree; altering the number of sets of  
7 fingerprints a certain applicant for licensure is required to submit to the Criminal  
8 Justice Information System Central Repository of the Department of Public Safety  
9 and Correctional Services; requiring the Central Repository to forward to the Board  
10 certain information regarding a certain applicant's criminal history record  
11 information under certain circumstances; repealing the authority of the Board to  
12 accept, under certain circumstances, an alternate method of criminal history records  
13 check as approved by the Director of the Central Repository and the Director of the

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 Federal Bureau of Investigation; authorizing the Board to grant an extern license to  
 2 an individual who meets certain requirements; establishing the qualifications for an  
 3 extern license; providing for the term and termination of an extern license; requiring  
 4 the Board to maintain an electronic roster of certain individuals licensed by the  
 5 Board; requiring the electronic roster to be available on the Board's website;  
 6 authorizing certain individuals to contact the Board to verify a license; requiring a  
 7 certain electronic license record to include certain information; ~~requiring certain~~  
 8 ~~applicants and licensees to submit to a mental health or physical examination under~~  
 9 ~~certain circumstances; providing that certain applicants or licensees are deemed to~~  
 10 ~~have consented to a certain mental health examination and waived certain claims~~  
 11 ~~and privileges under certain circumstances; providing that a certain report or~~  
 12 ~~testimony of a certain health care practitioner is confidential, except under certain~~  
 13 ~~circumstances; providing that the failure or refusal of a certain applicant or licensee~~  
 14 ~~to submit to a certain examination is prima facie evidence of the inability to practice~~  
 15 ~~competently, unless the Board makes a certain finding; requiring the Board to pay~~  
 16 ~~certain costs for certain examinations for certain licensees; requiring certain~~  
 17 ~~applicants to pay certain costs of a certain examination; repealing certain obsolete~~  
 18 language; defining ~~a certain term~~ *certain terms*; making certain stylistic and  
 19 conforming changes; and generally relating to revisions to the Maryland  
 20 Chiropractic Act.

21 BY repealing and reenacting, with amendments,  
 22 Article – Health Occupations  
 23 Section 3–101, 3–301, 3–302, 3–302.1, and 3–306  
 24 Annotated Code of Maryland  
 25 (2014 Replacement Volume and 2017 Supplement)

26 BY adding to  
 27 Article – Health Occupations  
 28 Section 3–305.1 ~~and 3–408~~  
 29 Annotated Code of Maryland  
 30 (2014 Replacement Volume and 2017 Supplement)

31 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 32 That the Laws of Maryland read as follows:

### 33 Article – Health Occupations

34 3–101.

- 35 (a) In this title the following words have the meanings indicated.
- 36 (b) “Board” means the State Board of Chiropractic Examiners.
- 37 (c) “Chiropractor” means an individual who practices chiropractic.

1            **(D) “DIRECT SUPERVISION” MEANS SUPERVISION PROVIDED BY A**  
 2 **SUPERVISING CHIROPRACTOR WHO IS PERSONALLY PRESENT OR IMMEDIATELY**  
 3 **AVAILABLE WHERE THE PROCEDURES ARE PERFORMED TO GIVE AID, DIRECTION,**  
 4 **AND INSTRUCTION WHEN CERTAIN PROCEDURES OR ACTIVITIES ARE PERFORMED.**

5            ~~**(E)**~~ **(E)**        “**EXTERN LICENSE**” MEANS A LICENSE TO PRACTICE  
 6 **CHIROPRACTIC UNDER THE DIRECT SUPERVISION OF A BOARD-APPROVED**  
 7 **LICENSED CHIROPRACTOR.**

8            [(d)] ~~**(F)**~~ **(F)** “License” means, unless the context requires otherwise, a license  
 9 [issued] **GRANTED** by the Board:

10            (1)        To practice chiropractic; or

11            (2)        To practice chiropractic with the right to practice physical therapy.

12            [(e)] ~~**(G)**~~ **(G)**        “Licensed chiropractor” means, unless the context requires  
 13 otherwise, a chiropractor who is licensed by the Board to practice chiropractic or to practice  
 14 chiropractic with the right to practice physical therapy.

15            [(f)] ~~**(H)**~~ **(H)**        (1)        “Practice chiropractic” means to use a drugless system of  
 16 health care based on the principle that interference with the transmission of nerve impulses  
 17 may cause disease.

18            (2)        “Practice chiropractic” includes the diagnosing and locating of  
 19 misaligned or displaced vertebrae and, through the manual manipulation and adjustment  
 20 of the spine and other skeletal structures, treating disorders of the human body.

21            (3)        Except as otherwise provided in this title, “practice chiropractic” does  
 22 not include the use of drugs or surgery, or the practice of osteopathy, obstetrics, or any  
 23 other branch of medicine.

24            (4)        The definition of “practice chiropractic” does not prohibit a chiropractor  
 25 from selecting diet and hygiene measures for an individual.

26            [(g)] ~~**(I)**~~ **(I)**        “Practice physical therapy” has the meaning stated in § 13–101 of this  
 27 article.

28 3–301.

29            (a)        The Board may [issue] **LICENSE**, as appropriate, **AN INDIVIDUAL**:

30            (1)        [A license to] **TO** practice chiropractic; or

1                   (2) [A license to] **TO** practice chiropractic with the right to practice  
2 physical therapy.

3           (b) Except as otherwise provided in this title, an individual shall be licensed by  
4 the Board before the individual may practice chiropractic in this State.

5           (c) A chiropractor who holds a license to practice chiropractic with the right to  
6 practice physical therapy may practice chiropractic and physical therapy in this State.

7           (d) This section does not apply to:

8                   (1) A student of chiropractic while under the direct supervision of a  
9 licensed chiropractor engaged in an educational program:

10                           (i) Sponsored by a college accredited by the Council on Chiropractic  
11 Education; and

12                           (ii) Approved by the Board; or

13                   (2) An individual licensed to practice chiropractic in any other state or a  
14 foreign country while that individual makes a clinical demonstration before:

15                           (i) A chiropractic association;

16                           (ii) A chiropractic convention; or

17                           (iii) A chiropractic college.

18 3–302.

19           (a) To qualify for a license, an applicant shall be an individual who:

20                   (1) Submits to a criminal history records check in accordance with §  
21 3–302.1 of this subtitle;

22                   (2) Meets the requirements of this section; and

23                   (3) Meets the examination requirements of this title.

24           (b) The applicant shall be of good moral character.

25           (c) Except as otherwise provided in this title, the applicant shall:

26                   (1) (i) Hold a bachelor's degree from a college or university approved by  
27 an accrediting agency of the United States Department of Education; and

1 (ii) Have completed satisfactorily college courses required by the  
2 Board; and

3 (2) (i) Be a graduate of a school of chiropractic that has been approved  
4 by the Board under § 3–402 of this title; or

5 (ii) 1. Be licensed in another state for at least 2 years; and

6 2. Be a graduate of a school of chiropractic:

7 A. That has been approved by the Council on Chiropractic  
8 Education within 4 years after the applicant graduated from that school; and

9 B. That the Board determines had standards comparable to  
10 an approved school at the time the applicant graduated.

11 (d) An applicant shall be entitled to a license to practice chiropractic with the  
12 right to practice physical therapy if the applicant:

13 (1) Satisfies the requirements of this section and §§ 3–303 and 3–304(e)(2)  
14 of this subtitle;

15 (2) Was licensed as a chiropractor on or before June 1, 1949; or

16 (3) Was enrolled at an approved college of chiropractic on June 1, 1949, and  
17 later was graduated by that college and licensed.

18 **(E) AN APPLICANT MAY NOT BE REQUIRED UNDER SUBSECTION (C)(1)(I) OF**  
19 **THIS SECTION TO HOLD A BACHELOR’S DEGREE IF THE APPLICANT:**

20 **(1) GRADUATED FROM A SCHOOL OF CHIROPRACTIC BEFORE JULY 1,**  
21 **1999; AND**

22 **(2) MEETS THE EDUCATIONAL REQUIREMENTS IN PLACE AT THE**  
23 **TIME OF THE APPLICANT’S GRADUATION FROM A SCHOOL OF CHIROPRACTIC.**

24 3–302.1.

25 (a) In this section, “Central Repository” means the Criminal Justice Information  
26 System Central Repository of the Department of Public Safety and Correctional Services.

27 (b) As part of an application to the Central Repository for a State and national  
28 criminal history records check, an applicant shall submit to the Central Repository:

1 (1) [Two complete sets] **ONE COMPLETE SET** of legible fingerprints taken  
2 on forms approved by the Director of the Central Repository and the Director of the Federal  
3 Bureau of Investigation;

4 (2) The fee authorized under § 10–221(b)(7) of the Criminal Procedure  
5 Article for access to State criminal history records; and

6 (3) The processing fee required by the Federal Bureau of Investigation for  
7 a national criminal history records check.

8 (c) In accordance with §§ 10–201 through 10–228 of the Criminal Procedure  
9 Article, the Central Repository shall forward to the Board and to the applicant the criminal  
10 history record information of the applicant.

11 [(d) If an applicant has made three or more unsuccessful attempts at securing  
12 legible fingerprints, the Board may accept an alternate method of a criminal history records  
13 check as permitted by the Director of the Central Repository and the Director of the Federal  
14 Bureau of Investigation.]

15 **(D) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO THE**  
16 **CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY**  
17 **RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE BOARD A**  
18 **REVISED PRINTED STATEMENT OF THE INDIVIDUAL’S CRIMINAL HISTORY RECORD.**

19 (e) Information obtained from the Central Repository under this section:

20 (1) Is confidential and may not be disseminated; and

21 (2) May be used only for the licensing [or registration] purpose authorized  
22 by this title.

23 (f) The subject of a criminal history records check under this section may contest  
24 the contents of the printed statement issued by the Central Repository as provided in §  
25 10–223 of the Criminal Procedure Article.

26 **3–305.1.**

27 **(A) THE BOARD MAY GRANT, AS APPROPRIATE, AN EXTERN LICENSE TO AN**  
28 **INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.**

29 **(B) TO QUALIFY FOR AN EXTERN LICENSE, AN APPLICANT SHALL BE AN**  
30 **INDIVIDUAL SEEKING TO PARTICIPATE IN A CHIROPRACTIC EXTERNSHIP WHO:**

31 **(1) SUBMITS AN APPLICATION PROVIDED BY THE BOARD;**

1           (2) HAS GRADUATED FROM AN ACCREDITED CHIROPRACTIC  
2 COLLEGE;

3           (3) HAS BEGUN THE PROCESS OF APPLYING TO THE BOARD FOR A  
4 LICENSE TO PRACTICE CHIROPRACTIC, BUT WHO HAS NOT MET CERTAIN  
5 REQUIREMENTS, SPECIFIED IN REGULATION, TO QUALIFY FOR A LICENSE;

6           (4) HAS TAKEN AND PASSED THE EXAMINATION OF THE NATIONAL  
7 BOARD OF CHIROPRACTIC EXAMINERS;

8           (5) AGREES TO PRACTICE UNDER THE *DIRECT* SUPERVISION OF A  
9 BOARD-APPROVED SUPERVISOR WHO IS A LICENSED CHIROPRACTOR WHILE THE  
10 EXTERN LICENSE IS IN EFFECT; AND

11           (6) PAYS THE LICENSE FEE SET BY THE BOARD.

12           (C) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER.

13           (D) (1) THE TERM OF AN EXTERN LICENSE IS THE LESSER OF:

14                   (I) THE DURATION OF THE INDIVIDUAL'S PARTICIPATION IN  
15 THE CHIROPRACTIC EXTERNSHIP; OR

16                   (II) 6 MONTHS FROM THE DATE OF THE BOARD'S APPROVAL OF  
17 THE EXTERNSHIP APPLICATION.

18           (2) THE TERM OF AN EXTERN LICENSE SHALL TERMINATE ON THE  
19 EARLIER OF:

20                   (I) THE DATE THE INDIVIDUAL'S CHIROPRACTIC EXTERNSHIP  
21 TERMINATES; OR

22                   (II) THE DATE THE INDIVIDUAL IS LICENSED BY THE BOARD TO  
23 PRACTICE CHIROPRACTIC WITHOUT THE *DIRECT* SUPERVISION OF A  
24 BOARD-APPROVED LICENSED CHIROPRACTOR.

25 3-306.

26           (a) Subject to subsection [(c)] (D) of this section, the Board shall [issue a] license  
27 [to any] AN applicant who[:

28                   (1) Pays a license fee set by the Board; and

29                   (2) Otherwise meets] MEETS the requirements of this title.

1           **(B) (1) THE BOARD SHALL MAINTAIN AN ELECTRONIC ROSTER OF EACH**  
2 **INDIVIDUAL LICENSED BY THE BOARD.**

3           **(2) THE ROSTER SHALL BE AVAILABLE FOR THE PURPOSE OF**  
4 **ELECTRONICALLY VERIFYING LICENSURE ON THE BOARD'S WEBSITE.**

5           **(3) INDIVIDUALS WITHOUT ACCESS TO THE BOARD'S WEBSITE MAY**  
6 **CONTACT THE BOARD TO VERIFY A LICENSE.**

7           **[(b)] (C)**     The Board shall include on each **ELECTRONIC** license **[that it issues]**  
8 **RECORD:**

9                   (1)   **[Its seal] THE FULL NAME OF THE LICENSEE; [and]**

10                   (2)   **A LICENSE NUMBER;**

11                   **[(2)] (3)**     Designations that clearly distinguish between those licensees  
12 who may practice **[chiropractic]:**

13                           (I)   **CHIROPRACTIC [and those who may practice chiropractic];**

14                           (II)   **CHIROPRACTIC with the right to practice physical therapy;**

15 **AND**

16                           (III)   **CHIROPRACTIC UNDER THE SUPERVISION OF A**  
17 **BOARD-APPROVED LICENSED CHIROPRACTOR;**

18                   (4)   **THE STATUS OF THE LICENSE;**

19                   (5)   **THE EXPIRATION DATE OF THE LICENSE; AND**

20                   (6)   **THE ORIGINAL DATE OF LICENSURE.**

21           **[(c)] (D)**     (1)   On receipt of the criminal history record information of an  
22 applicant for licensure **[or registration]** forwarded to the Board in accordance with §  
23 3-302.1 of this subtitle, in determining whether to grant a license **[or registration]**, the  
24 Board shall consider:

25                           (i)   The age at which the crime was committed;

26                           (ii)   The circumstances surrounding the crime;

27                           (iii)   The length of time that has passed since the crime;

- 1 (iv) Subsequent work history;
- 2 (v) Employment and character references; and
- 3 (vi) Any other evidence that demonstrates whether the applicant
- 4 poses a threat to the public health or safety.

5 (2) The Board may not [issue a license or registration] LICENSE AN  
 6 APPLICANT if the criminal history record information required under § 3-302.1 of this  
 7 subtitle has not been received.

8 ~~§ 408.~~

9 ~~(A) IF, WHILE REVIEWING AN APPLICATION FOR LICENSURE, OR~~  
 10 ~~INVESTIGATING AN ALLEGATION AGAINST A LICENSEE UNDER THIS TITLE, THE~~  
 11 ~~BOARD FINDS REASONABLE EVIDENCE INDICATING THAT THE APPLICANT OR~~  
 12 ~~LICENSEE MAY CAUSE HARM TO A PERSON, THE BOARD SHALL REQUIRE THE~~  
 13 ~~APPLICANT OR LICENSEE TO SUBMIT TO A MENTAL HEALTH OR PHYSICAL~~  
 14 ~~EXAMINATION BY A HEALTH CARE PRACTITIONER, AS DEFINED IN § 1-301 OF THIS~~  
 15 ~~ARTICLE, DESIGNATED BY THE BOARD.~~

16 ~~(B) IN RETURN FOR THE PRIVILEGE TO PRACTICE CHIROPRACTIC IN THE~~  
 17 ~~STATE, AN APPLICANT OR A LICENSEE IS DEEMED TO HAVE:~~

18 ~~(1) CONSENTED TO SUBMIT TO AN EXAMINATION UNDER THIS~~  
 19 ~~SECTION, IF REQUESTED BY THE BOARD IN WRITING; AND~~

20 ~~(2) WAIVED ANY CLAIM OF PRIVILEGE AS TO THE TESTIMONY OR~~  
 21 ~~REPORT OF A HEALTH CARE PRACTITIONER WHO EXAMINES THE APPLICANT OR~~  
 22 ~~LICENSEE.~~

23 ~~(C) A REPORT OR TESTIMONY REGARDING A REPORT OF A HEALTH CARE~~  
 24 ~~PRACTITIONER DESIGNATED BY THE BOARD IS CONFIDENTIAL EXCEPT AS TO~~  
 25 ~~CONTESTED CASE PROCEEDINGS AS DEFINED BY TITLE 10, SUBTITLE 2 OF THE~~  
 26 ~~STATE GOVERNMENT ARTICLE.~~

27 ~~(D) THE FAILURE OR REFUSAL OF AN APPLICANT OR A LICENSEE TO SUBMIT~~  
 28 ~~TO AN EXAMINATION REQUIRED UNDER THIS SECTION IS PRIMA FACIE EVIDENCE OF~~  
 29 ~~THE APPLICANT'S OR LICENSEE'S INABILITY TO PRACTICE COMPETENTLY, UNLESS~~  
 30 ~~THE BOARD FINDS THAT THE FAILURE OR REFUSAL WAS BEYOND THE CONTROL OF~~  
 31 ~~THE APPLICANT OR LICENSEE.~~

32 ~~(E) THE BOARD SHALL PAY THE REASONABLE COST OF ANY EXAMINATION~~  
 33 ~~REQUIRED OF A LICENSEE UNDER THIS SECTION.~~

1        ~~(F) AN APPLICANT SHALL PAY THE REASONABLE COST OF ANY~~  
2 ~~EXAMINATION REQUIRED OF THE APPLICANT UNDER THIS SECTION.~~

3        SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4        October 1, 2018.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.