J2 5lr0925 (PRE-FILED) CF 5lr1560

By: Senator Augustine

Requested: September 24, 2024

Introduced and read first time: January 8, 2025

Assigned to: Finance

## A BILL ENTITLED

1 AN ACT concerning

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## Health Occupations - State Board of Chiropractic Examiners - Revisions

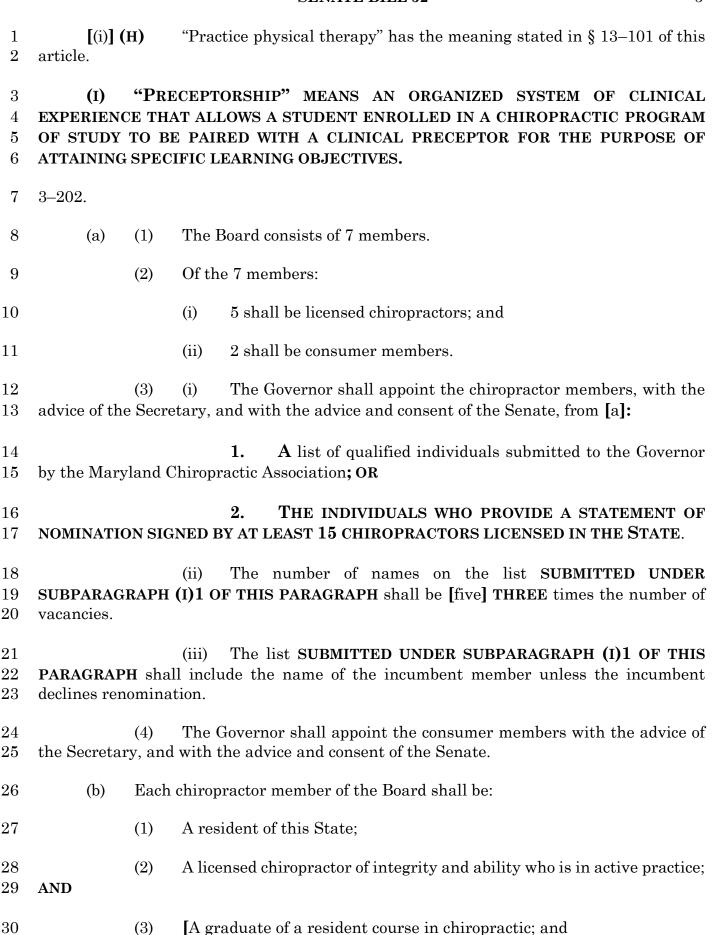
- FOR the purpose of altering certain provisions of law governing the State Board of Chiropractic Examiners and the practice of chiropractic in the State related to Board membership, licensure of chiropractors, the discipline of chiropractors, and the denial of licenses to applicants; authorizing the Board to inspect chiropractor offices under certain circumstances; requiring the Board to require a licensee or applicant to submit to an examination by a health care provider under certain circumstances; and generally relating to the Maryland Chiropractic Act.
- 10 BY repealing and reenacting, with amendments,
- 11 Article Health Occupations
- 12 Section 3-101, 3-202(a) and (b), 3-205, 3-301(d), 3-302(c) and (d), 3-303(a),
- 13 3-304(c), 3-305.1, 3-311, 3-313(29) and (30), and 3-314(a)
- 14 Annotated Code of Maryland
- 15 (2021 Replacement Volume and 2024 Supplement)
- 16 BY repealing
- 17 Article Health Occupations
- 18 Section 3–302(e), 3–304(d) and (e), and 3–402
- 19 Annotated Code of Maryland
- 20 (2021 Replacement Volume and 2024 Supplement)
- 21 BY adding to
- 22 Article Health Occupations
- 23 Section 3–304(d) through (g), 3–313(31) through (33), and 3–318
- 24 Annotated Code of Maryland
- 25 (2021 Replacement Volume and 2024 Supplement)

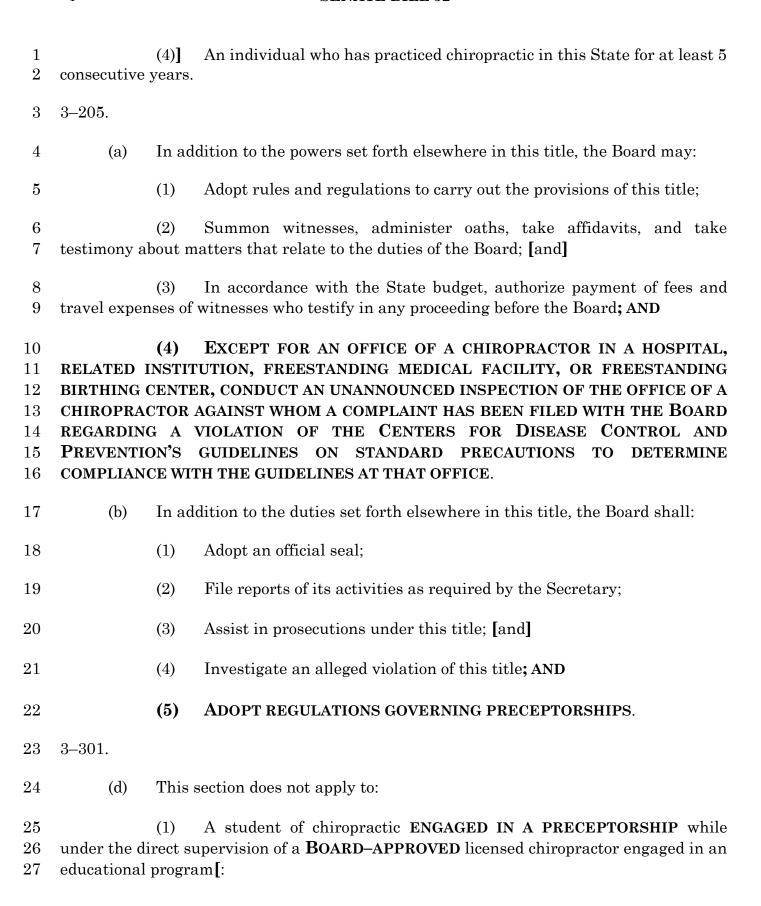


SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

## 3 Article – Health Occupations

- 4 3–101.
- 5 (a) In this title the following words have the meanings indicated.
- 6 (b) "Board" means the State Board of Chiropractic Examiners.
- 7 (c) "Chiropractor" means an individual who practices chiropractic.
- 8 (d) "Direct supervision" means supervision provided by a supervising 9 chiropractor who is personally present or immediately available where the procedures are 10 performed to give aid, direction, and instruction when certain procedures or activities are 11 performed.
- [(e) "Extern license" means a license to practice chiropractic under the direct supervision of a Board–approved licensed chiropractor.]
- 14 **[**(f)**] (E)** "License" means, unless the context requires otherwise, a license 15 granted by the Board:
- 16 (1) To practice chiropractic; or
- 17 (2) To practice chiropractic with the right to practice physical therapy.
- [(g)] (F) "Licensed chiropractor" means, unless the context requires otherwise, a chiropractor who is licensed by the Board to practice chiropractic or to practice chiropractic with the right to practice physical therapy.
- [(h)] (G) (1) "Practice chiropractic" means to use a drugless system of health care based on the principle that interference with the transmission of nerve impulses may cause disease.
- 24 (2) "Practice chiropractic" includes the diagnosing and locating of 25 misaligned or displaced vertebrae and, through the manual manipulation and adjustment 26 of the spine and other skeletal structures, treating disorders of the human body.
- 27 (3) Except as otherwise provided in this title, "practice chiropractic" does 28 not include the use of drugs or surgery, or the practice of osteopathy, obstetrics, or any 29 other branch of medicine.
- 30 (4) The definition of "practice chiropractic" does not prohibit a chiropractor 31 from selecting diet and hygiene measures for an individual.

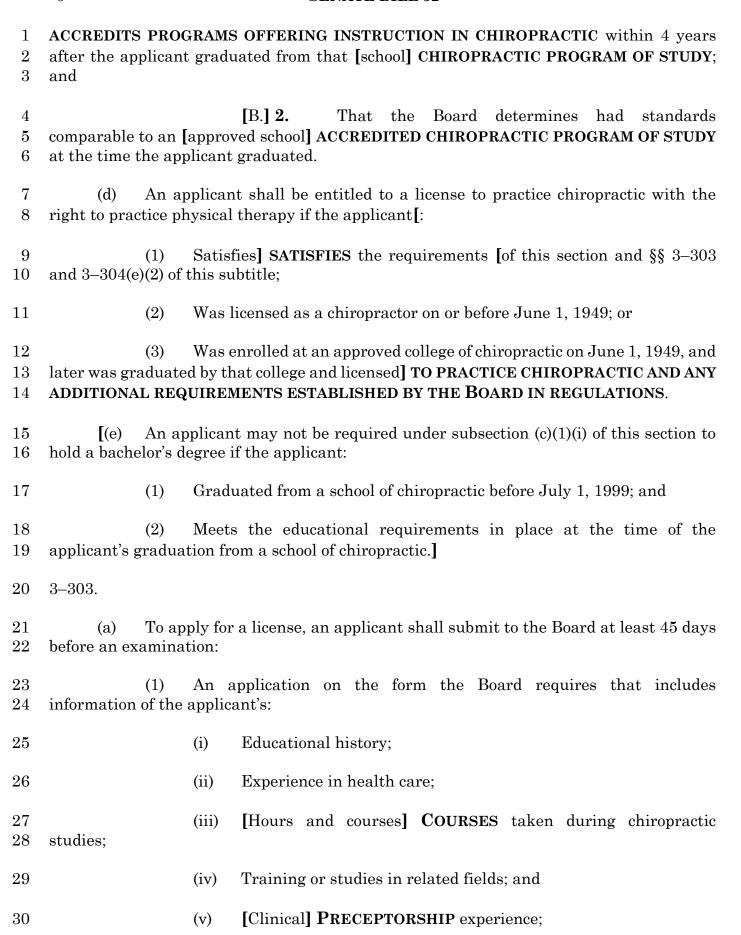


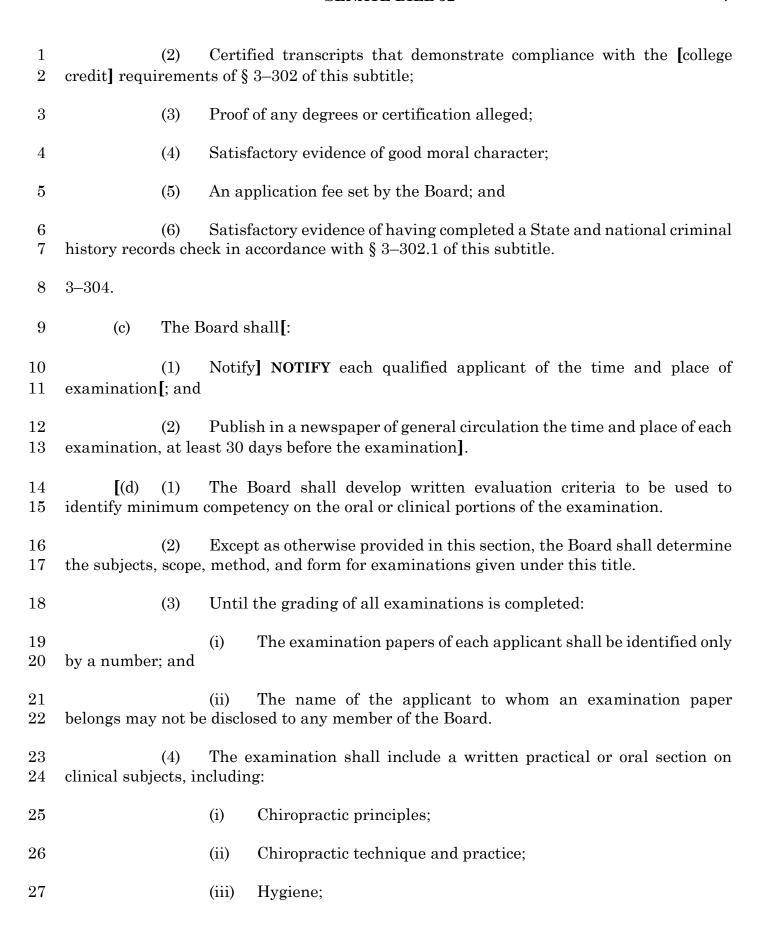


1 Sponsored SPONSORED by a [college] PROGRAM accredited by 2 the Council on Chiropractic Education, AN EQUIVALENT ENTITY RECOGNIZED BY THE 3 U.S. DEPARTMENT OF EDUCATION THAT ACCREDITS PROGRAMS OFFERING 4 INSTRUCTION IN CHIROPRACTIC, OR AN EQUIVALENT FOREIGN AGENCY THAT ACCREDITS PROGRAMS OFFERING INSTRUCTION IN CHIROPRACTIC; [and 5 6 Approved by the Board; or (ii) 7 (2)An individual licensed to practice chiropractic in any other state or a 8 foreign country while that individual makes a clinical demonstration before: 9 A chiropractic association; (i) 10 (ii) A chiropractic convention; or 11 (iii) A chiropractic [college] PROGRAM. 12 3 - 302. Except as otherwise provided in this title, the applicant [shall] MUST: 13 (c) 14 (1) (i) Hold a bachelor's degree from a college or university approved by 15 an accrediting agency of the United States Department of Education; and 16 (ii) Have completed satisfactorily college courses required by the 17 Board; and 18 (2)Be a graduate of a [school of] chiropractic PROGRAM OF STUDY (i) 19 that [has been approved by the Board under § 3–402 of this title] WAS, AT THE TIME OF 20 THE APPLICANT'S GRADUATION, ACCREDITED BY THE COUNCIL ON CHIROPRACTIC 21 EDUCATION, AN EQUIVALENT ENTITY RECOGNIZED BY THE U.S. DEPARTMENT OF 22**OFFERING** THAT ACCREDITS **PROGRAMS** INSTRUCTION 23CHIROPRACTIC, OR AN EQUIVALENT FOREIGN AGENCY THAT ACCREDITS PROGRAMS OFFERING INSTRUCTION IN CHIROPRACTIC; or 2425Be licensed in another state for at least 2 (ii) 1.] **(2)** (I)26 years; and 27 [2.] (II) Be a graduate of a [school of] chiropractic 28 PROGRAM OF STUDY: 29 [A.] 1. That has been [approved] ACCREDITED by the 30 Council on Chiropractic Education, AN EQUIVALENT ENTITY RECOGNIZED BY THE U.S. 31 **DEPARTMENT** OF **EDUCATION THAT** ACCREDITS **PROGRAMS OFFERING** 

INSTRUCTION IN CHIROPRACTIC, OR AN EQUIVALENT FOREIGN AGENCY THAT

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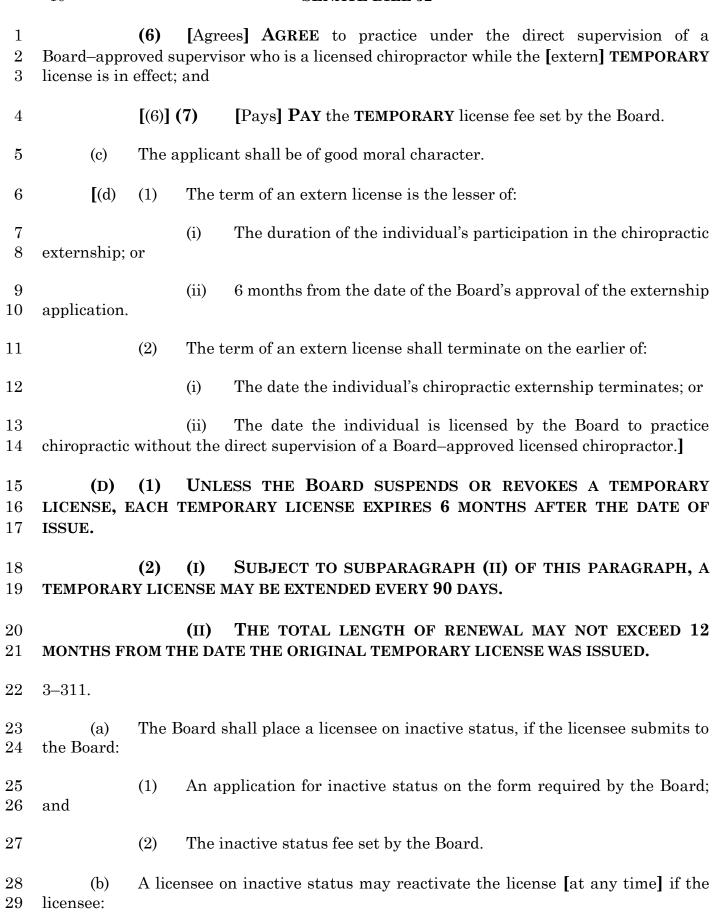
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1		(iv)	Neurology;
2		(v)	Orthopedics;
3		(vi)	Physical diagnosis;
4		(vii)	Roentgenology;
5		(viii)	Symptomatology; and
6		(ix)	Physical therapy, as defined in § 13–101 of this article.
7 8	(e) (1) license to practice	-	ot as otherwise provided in this title, an applicant qualifies for a ractic only if the applicant answers correctly at least:
9	other than the sub	(i) section	60 percent of the questions in each subsection of the examination on physical therapy; and
$\frac{1}{2}$	those on physical t	(ii) therapy	75 percent of all of the questions on the examination other than y.
13 14 15	(2) Except as otherwise provided in this title, an applicant qualifies for a license to practice chiropractic with the right to practice physical therapy only if the applicant answers correctly at least:		
16 17	and	(i)	60 percent of the questions in each subsection of the examination;
18		(ii)	75 percent of all of the questions on the examination.]
9	(D) (1)	THE	BOARD-ADMINISTERED EXAMINATION SHALL INCLUDE:
20 21	THE PRACTICE O	(I) F CHIF	THE GENERAL LAWS AND REGULATIONS OF THE STATE ON ROPRACTIC; AND
22		(II)	THE LAWS AND REGULATIONS ON INFECTION CONTROL.
23 24 25		NLY I	APPLICANT QUALIFIES FOR A LICENSE TO PRACTICE F THE APPLICANT ANSWERS CORRECTLY AT LEAST 75% OF N THE BOARD-ADMINISTERED EXAMINATION.
26 27	(E) (1) SET BY THE BOAL		PPLICANT SHALL PAY TO THE BOARD AN EXAMINATION FEE

(2) THE PAYMENT OF ONE EXAMINATION FEE ENTITLES AN

APPLICANT TO TAKE THE BOARD-ADMINISTERED EXAMINATION TWICE.

- 1 (F) IF AN APPLICANT FAILS THE BOARD-ADMINISTERED EXAMINATION 2 TWICE, THE APPLICANT MAY RETAKE THE EXAMINATION IF THE APPLICANT PAYS 3 THE APPROPRIATE FEE.
- 4 (G) IN ADDITION TO THE WRITTEN EXAMINATION ADMINISTERED BY THE 5 BOARD, AN APPLICANT SHALL TAKE AND PASS ALL APPLICABLE SECTIONS OF THE NATIONAL EXAMINATION ADMINISTERED BY:
- 7 (1) THE NATIONAL BOARD OF CHIROPRACTIC EXAMINERS OR ITS 8 SUCCESSOR ENTITY; OR
- 9 (2) AN EQUIVALENT FOREIGN CHIROPRACTIC TESTING ENTITY 10 APPROVED BY THE BOARD.
- 11 3–305.1.
- 12 (a) The Board may grant [, as appropriate, an extern] A TEMPORARY license to an individual who meets the requirements of this section.
- 14 (b) To qualify for [an extern] A TEMPORARY license, an applicant [shall be an individual seeking to participate in a chiropractic externship who] SHALL:
- 16 (1) [Submits] **SUBMIT** an application provided by the Board;
- 17 (2) [Has] **HAVE** graduated from an accredited chiropractic [college] 18 **PROGRAM OF STUDY**;
- 19 (3) [Has] **HAVE** begun the process of applying to the Board for a license to 20 practice chiropractic, but [who has] not met [certain] requirements[, specified in 21 regulation,] to qualify for a license;
- 22 (4) (I) [Has taken and passed the examination of the National Board of Chiropractic Examiners;] HAVE BEEN LICENSED IN ANOTHER STATE FOR AT LEAST 2
  24 YEARS PRECEDING THE APPLICATION IN THE STATE; OR
- 25 (II) HAVE GRADUATED FROM AN ACCREDITED CHIROPRACTIC 26 PROGRAM OF STUDY WITHIN 6 MONTHS PRECEDING THE APPLICATION IN THE 27 STATE;
- 28 (5) HAVE SUBMITTED WRITTEN, VERIFIED EVIDENCE THAT THE 29 APPLICANT HAS SUBMITTED A CRIMINAL HISTORY RECORDS CHECK IN 30 ACCORDANCE WITH § 3–302.1 OF THIS SUBTITLE;



- 1 (1) Complies with the continuing education AND CARDIOPULMONARY 2 RESUSCITATION (CPR) requirements in effect for the renewal period in which the 3 licensee seeks to reactivate the license; and
- 4 (2) Pays the [reinstatement] **REACTIVATION** fee set by the Board.
- 5 3–313.
- Subject to the hearing provisions of § 3–315 of this subtitle, the Board may deny a license to any applicant, reprimand any licensee, place any licensee on probation, with or without conditions, or suspend or revoke a license, or any combination thereof, if the applicant or licensee:
- 10 (29) Fails to submit to a criminal history records check in accordance with § 11 3–302.1 of this subtitle; [or]
- 12 (30) Fails to comply with any Board order;
- 13 (31) DOES AN ACT THAT IS INCONSISTENT WITH GENERALLY ACCEPTED PROFESSIONAL STANDARDS IN THE PRACTICE OF CHIROPRACTIC;
- 15 (32) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION 16 CONDUCTED BY THE BOARD; OR
- 17 (33) EXCEPT IN AN EMERGENCY LIFE-THREATENING SITUATION
  18 WHERE IT IS NOT FEASIBLE OR PRACTICABLE, FAILS TO COMPLY WITH THE CENTERS
  19 FOR DISEASE CONTROL AND PREVENTION'S GUIDELINES ON STANDARD
  20 PRECAUTIONS.
- 21 3–314.
- 22 (a) If after a hearing under § 3–315 of this subtitle the Board finds that there are 23 grounds under § 3–313 of this subtitle to **REPRIMAND ANY LICENSEE**, **PLACE ANY** 24 **LICENSEE ON PROBATION**, **OR** suspend or revoke a license, the Board may impose a 25 penalty not exceeding \$5,000 for each violation:
- 26 (1) Instead of REPRIMANDING THE LICENSEE, PLACING THE LICENSEE ON PROBATION, OR suspending OR REVOKING the license; or
- 28 (2) In addition to REPRIMANDING THE LICENSEE, PLACING THE 29 LICENSEE ON PROBATION, OR suspending or revoking the license.
- 30 **3-318.**

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- 1 (A) IF THE BOARD, WHILE REVIEWING AN APPLICATION FOR LICENSURE OR
  2 INVESTIGATING AN ALLEGATION BROUGHT AGAINST A LICENSEE UNDER THIS TITLE,
  3 HAS REASON TO BELIEVE AND OBJECTIVE EVIDENCE THAT THE APPLICANT OR
  4 LICENSEE MAY CAUSE HARM TO INDIVIDUALS AFFECTED BY THE APPLICANT'S OR
  5 LICENSEE'S PRACTICE OF CHIROPRACTIC, THE BOARD SHALL REQUIRE THE
  6 APPLICANT OR LICENSEE TO SUBMIT TO AN APPROPRIATE EXAMINATION BY A
- 8 **(B)** IN RETURN FOR THE PRIVILEGE TO PRACTICE CHIROPRACTIC IN THE 9 STATE, THE APPLICANT OR LICENSEE IS DEEMED TO HAVE:

HEALTH CARE PROVIDER DESIGNATED BY THE BOARD.

- 10 (1) CONSENTED TO SUBMIT TO AN EXAMINATION UNDER THIS 11 SECTION, IF REQUESTED BY THE BOARD IN WRITING; AND
- 12 **(2)** WAIVED ANY CLAIM OF PRIVILEGE AS TO THE TESTIMONY OR 13 EXAMINATION REPORTS OF THE EXAMINING HEALTH CARE PROFESSIONAL.
- 14 (C) THE FAILURE OR REFUSAL OF THE APPLICANT OR LICENSEE TO SUBMIT
  15 TO AN EXAMINATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION IS PRIMA
  16 FACIE EVIDENCE OF THE APPLICANT'S OR LICENSEE'S INABILITY TO PRACTICE
  17 CHIROPRACTIC COMPETENTLY UNLESS THE BOARD FINDS THAT THE FAILURE OR
  18 REFUSAL WAS BEYOND THE CONTROL OF THE LICENSEE.
- 19 **(D)** THE BOARD SHALL PAY THE COST OF ANY EXAMINATION MADE UNDER 20 THIS SECTION.
- 21 [3–402.
- 22 (a) The Board shall approve those schools of chiropractic that provide a curriculum, teaching standards, and facilities that the Board determines are adequate to prepare a license applicant to practice chiropractic under this title.
- 25 (b) To be approved under this section, a school shall offer a program that:
- 26 (1) Is 4 academic years that total at least 4,000 60-minute hours of 27 resident study; and
- 28 (2) Leads to a degree of Doctor of Chiropractic.
- 29 (c) The Board may inspect any school of chiropractic to determine whether it 30 meets the standards required by this section.
- 31 (d) The Board may approve a school in another state on the recommendation of:
- 32 (1) The chiropractic licensing authority of that state; or

- 1 (2) The Council on Chiropractic Education.]
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 3  $\,$  1, 2025.