J25lr0925 **CF HB 514** (PRE-FILED)

By: Senator Augustine

Requested: September 24, 2024

Introduced and read first time: January 8, 2025

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 11, 2025

CHAPTER

AN ACT concerning 1

2

Health Occupations - State Board of Chiropractic Examiners - Revisions

- 3 FOR the purpose of altering certain provisions of law governing the State Board of 4 Chiropractic Examiners and the practice of chiropractic in the State related to Board 5 membership, licensure of chiropractors, the discipline of chiropractors, and the 6 denial of licenses to applicants; authorizing the Board to inspect chiropractor offices 7 under certain circumstances; requiring the Board to require a licensee or applicant 8 to submit to an examination by a health care provider under certain circumstances;
- 9 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)
- 21BY adding to

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.



- 2 1 Article – Health Occupations 2 Section 3–304(d) through (g), 3–313(31) through (33), and 3–318 3 Annotated Code of Maryland 4 (2021 Replacement Volume and 2024 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND. 5 6 That the Laws of Maryland read as follows: 7 **Article - Health Occupations** 3–101. 8 In this title the following words have the meanings indicated. 9 (a) "Board" means the State Board of Chiropractic Examiners. 10 (b) 11 (c) "Chiropractor" means an individual who practices chiropractic. 12 "Direct supervision" means supervision provided by a supervising (d) 13 chiropractor who is personally present or immediately available where the procedures are 14 performed to give aid, direction, and instruction when certain procedures or activities are performed. 15 "Extern license" means a license to practice chiropractic under the direct 16 supervision of a Board-approved licensed chiropractor. 17 "License" means, unless the context requires otherwise, a license 18 [(f)] **(E)** granted by the Board: 19 20 To practice chiropractic; or (1) 21(2) To practice chiropractic with the right to practice physical therapy. 22 "Licensed chiropractor" means, unless the context requires otherwise, [(g)] **(F)** 23a chiropractor who is licensed by the Board to practice chiropractic or to practice 24chiropractic with the right to practice physical therapy. 25 "Practice chiropractic" means to use a drugless system of health [(h)] (G) (1) 26care based on the principle that interference with the transmission of nerve impulses may 27 cause disease.
- 28 "Practice chiropractic" includes the diagnosing and locating of 29 misaligned or displaced vertebrae and, through the manual manipulation and adjustment 30 of the spine and other skeletal structures, treating disorders of the human body.

- 1 (3) Except as otherwise provided in this title, "practice chiropractic" does not include the use of drugs or surgery, or the practice of osteopathy, obstetrics, or any other branch of medicine.

 4 (4) The definition of "practice chiropractic" does not prohibit a chiropractor from selecting diet and hygiene measures for an individual.
- 6 [(i)] (H) "Practice physical therapy" has the meaning stated in § 13–101 of this 7 article.
- 8 (I) "PRECEPTORSHIP" MEANS AN ORGANIZED SYSTEM OF CLINICAL 9 EXPERIENCE THAT ALLOWS A STUDENT ENROLLED IN A CHIROPRACTIC PROGRAM 10 OF STUDY TO BE PAIRED WITH A CLINICAL PRECEPTOR FOR THE PURPOSE OF ATTAINING SPECIFIC LEARNING OBJECTIVES.
- 12 3–202.
- 13 (a) (1) The Board consists of 7 members.
- 14 (2) Of the 7 members:
- 15 (i) 5 shall be licensed chiropractors; and
- 16 (ii) 2 shall be consumer members.
- 17 (3) (i) The Governor shall appoint the chiropractor members, with the 18 advice of the Secretary, and with the advice and consent of the Senate, from [a]:
- 19 **1. A** list of qualified individuals submitted to the Governor 20 by the Maryland Chiropractic Association; **OR**
- 21 **2.** The individuals who provide a statement of Nomination signed by at least 15 20 chiropractors licensed in the State.
- 23 (ii) The number of names on the list **SUBMITTED UNDER** 24 **SUBPARAGRAPH (I)1 OF THIS PARAGRAPH** shall be [five] **THREE** times the number of vacancies.
- 26 (iii) The list SUBMITTED UNDER SUBPARAGRAPH (I)1 OF THIS
 27 PARAGRAPH shall include the name of the incumbent member unless the incumbent
 28 declines renomination.
- 29 (4) The Governor shall appoint the consumer members with the advice of 30 the Secretary, and with the advice and consent of the Senate.
- 31 (b) Each chiropractor member of the Board shall be:

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3-301.

1		(1)	A resident of this State;
2 3	AND	(2)	A licensed chiropractor of integrity and ability who is in active practice;
4		(3)	[A graduate of a resident course in chiropractic; and
5 6	consecutive	(4)] years.	An individual who has practiced chiropractic in this State for at least 5
7	3–205.		
8	(a)	In ad	dition to the powers set forth elsewhere in this title, the Board may:
9		(1)	Adopt rules and regulations to carry out the provisions of this title;
10	testimony a	(2) bout m	Summon witnesses, administer oaths, take affidavits, and take natters that relate to the duties of the Board; [and]
12	travel exper	(3) nses of	In accordance with the State budget, authorize payment of fees and witnesses who testify in any proceeding before the Board; AND
14 15 16 17 18 19 20	BIRTHING CHIROPRA REGARDIN PREVENTION GUIDELINE	CENTE CTOR G A ON'S	EXCEPT FOR AN OFFICE OF A CHIROPRACTOR IN A HOSPITAL, FUTION, FREESTANDING MEDICAL FACILITY, OR FREESTANDING OF THE OFFICE OF A AGAINST WHOM A COMPLAINT HAS BEEN FILED WITH THE BOARD VIOLATION OF THE CENTERS FOR DISEASE CONTROL AND GUIDELINES ON STANDARD PRECAUTIONS AND RELATED REGULATIONS ADOPTED BY THE BOARD TO DETERMINE THE GUIDELINES AT THAT OFFICE.
22	(b)	In ad	dition to the duties set forth elsewhere in this title, the Board shall:
23		(1)	Adopt an official seal;
24		(2)	File reports of its activities as required by the Secretary;
25		(3)	Assist in prosecutions under this title; [and]
26		(4)	Investigate an alleged violation of this title; AND
27		(5)	ADOPT REGULATIONS GOVERNING PRECEPTORSHIPS.

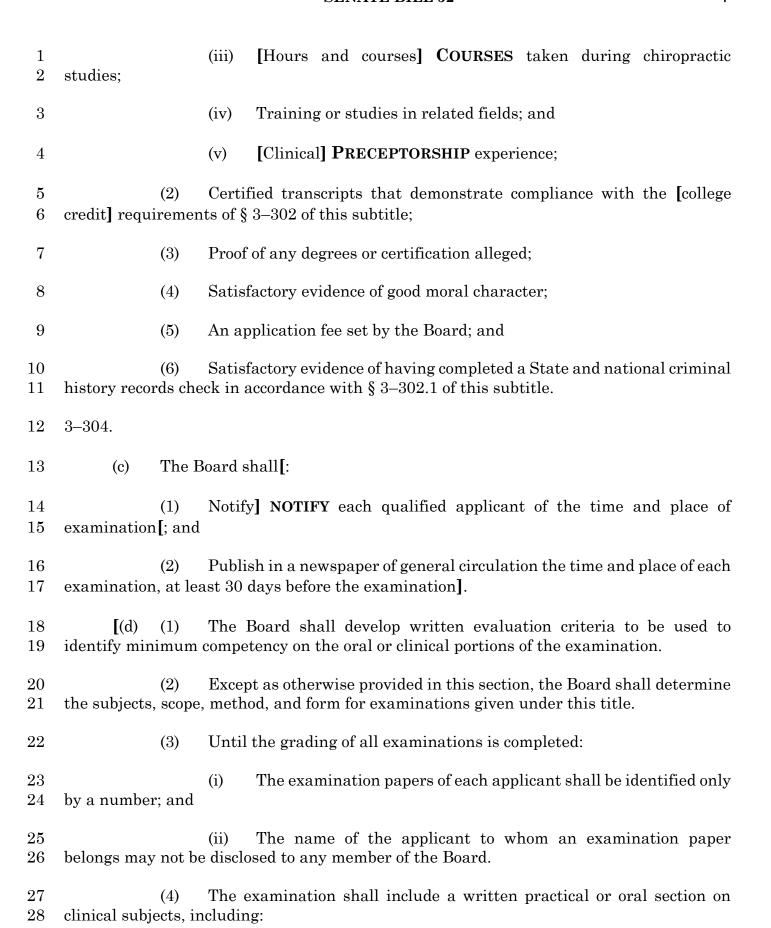
1 (d) This section does not apply to: 2 A student of chiropractic ENGAGED IN A PRECEPTORSHIP while 3 under the direct supervision of a **BOARD-APPROVED** licensed chiropractor engaged in an educational program[: 4 Sponsored] SPONSORED by a [college] PROGRAM accredited by 5 6 the Council on Chiropractic Education, AN EQUIVALENT ENTITY RECOGNIZED BY THE 7 U.S. DEPARTMENT OF EDUCATION OR ANOTHER ENTITY THAT ACCREDITS PROGRAMS OFFERING INSTRUCTION IN CHIROPRACTIC, OR AN EQUIVALENT 8 9 FOREIGN AGENCY THAT ACCREDITS PROGRAMS OFFERING INSTRUCTION IN 10 CHIROPRACTIC; [and 11 Approved by the Board; or (ii) 12 (2)An individual licensed to practice chiropractic in any other state or a 13 foreign country while that individual makes a clinical demonstration before: 14 (i) A chiropractic association; A chiropractic convention; or 15 (ii) A chiropractic [college] PROGRAM. 16 (iii) 17 3 - 302. 18 (c) Except as otherwise provided in this title, the applicant [shall] MUST: 19 (i) Hold a bachelor's degree from a college or university approved by (1) 20 an accrediting agency of the United States Department of Education; and 21(ii) Have completed satisfactorily college courses required by the 22Board; and 23 (2)Be a graduate of a [school of] chiropractic PROGRAM OF STUDY (i) that [has been approved by the Board under § 3-402 of this title] WAS, AT THE TIME OF 24THE APPLICANT'S GRADUATION, ACCREDITED BY THE COUNCIL ON CHIROPRACTIC 25EDUCATION, AN EQUIVALENT ENTITY RECOGNIZED BY THE U.S. DEPARTMENT OF 2627 EDUCATION OR ANOTHER ENTITY THAT ACCREDITS PROGRAMS OFFERING 28 INSTRUCTION IN CHIROPRACTIC, OR AN EQUIVALENT FOREIGN AGENCY THAT ACCREDITS PROGRAMS OFFERING INSTRUCTION IN CHIROPRACTIC; or 29 30 (ii) 1.] **(2) (I)** Be licensed in another state for at least 2 31 years; and

- 1 [2.] (II) Be a graduate of a [school of] chiropractic 2 PROGRAM OF STUDY: 3 [A.] 1. That has been [approved] ACCREDITED by the 4 Council on Chiropractic Education, AN EQUIVALENT ENTITY RECOGNIZED BY THE U.S. 5 DEPARTMENT OF EDUCATION OR ANOTHER ENTITY THAT ACCREDITS PROGRAMS 6 OFFERING INSTRUCTION IN CHIROPRACTIC, OR AN EQUIVALENT FOREIGN AGENCY THAT ACCREDITS PROGRAMS OFFERING INSTRUCTION IN CHIROPRACTIC within 4 7 8 years after the applicant graduated from that [school] CHIROPRACTIC PROGRAM OF 9 STUDY; and 10 [B.] 2. That the Board determines had standards 11 comparable to an [approved school] ACCREDITED CHIROPRACTIC PROGRAM OF STUDY 12 at the time the applicant graduated. 13 An applicant shall be entitled to a license to practice chiropractic with the right to practice physical therapy if the applicant [: 14 15 Satisfies SATISFIES the requirements of this section and §§ 3–303 (1) and 3-304(e)(2) of this subtitle; 16 17 Was licensed as a chiropractor on or before June 1, 1949; or (2)18 (3)Was enrolled at an approved college of chiropractic on June 1, 1949, and 19 later was graduated by that college and licensed] TO PRACTICE CHIROPRACTIC AND ANY ADDITIONAL REQUIREMENTS ESTABLISHED BY THE BOARD IN REGULATIONS. 2021 An applicant may not be required under subsection (c)(1)(i) of this section to 22hold a bachelor's degree if the applicant: 23 (1) Graduated from a school of chiropractic before July 1, 1999; and 24(2)Meets the educational requirements in place at the time of the applicant's graduation from a school of chiropractic. 25 3-303. 2627To apply for a license, an applicant shall submit to the Board at least 45 days 28 before an examination: 29 (1) An application on the form the Board requires that includes information of the applicant's: 30
- 32 (ii) Experience in health care;

Educational history;

(i)

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1		(i)	Chiropractic principles;
2		(ii)	Chiropractic technique and practice;
3		(iii)	Hygiene;
4		(iv)	Neurology;
5		(v)	Orthopedics;
6		(vi)	Physical diagnosis;
7		(vii)	Roentgenology;
8		(viii)	Symptomatology; and
9		(ix)	Physical therapy, as defined in § 13–101 of this article.
10	(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:
12 13	other than the sub	(i) esection	60 percent of the questions in each subsection of the examination on physical therapy; and
14 15	those on physical	(ii) therap	75 percent of all of the questions on the examination other than y.
16 17 18	(2) license to practice applicant answers	e chiro	ot as otherwise provided in this title, an applicant qualifies for a practic with the right to practice physical therapy only if the tly at least:
19 20	and	(i)	60 percent of the questions in each subsection of the examination;
21		(ii)	75 percent of all of the questions on the examination.]
22	(D) (1)	THE	BOARD-ADMINISTERED EXAMINATION SHALL INCLUDE:
23 24	THE PRACTICE O	(I) F CHII	THE GENERAL LAWS AND REGULATIONS OF THE STATE ON ROPRACTIC; AND
25		(11)	THE LAWS AND REGULATIONS ON INFECTION CONTROL

- 1 (2) AN APPLICANT QUALIFIES FOR A LICENSE TO PRACTICE 2 CHIROPRACTIC ONLY IF THE APPLICANT ANSWERS CORRECTLY AT LEAST 75% OF 3 ALL THE QUESTIONS ON THE BOARD-ADMINISTERED EXAMINATION.
- 4 (E) (1) AN APPLICANT SHALL PAY TO THE BOARD AN EXAMINATION FEE 5 SET BY THE BOARD.
- 6 (2) THE PAYMENT OF ONE EXAMINATION FEE ENTITLES AN 7 APPLICANT TO TAKE THE BOARD-ADMINISTERED EXAMINATION TWICE.
- 8 **(F)** IF AN APPLICANT FAILS THE BOARD-ADMINISTERED EXAMINATION 9 TWICE, THE APPLICANT MAY RETAKE THE EXAMINATION IF THE APPLICANT PAYS 10 THE APPROPRIATE FEE.
- 11 (G) IN ADDITION TO THE WRITTEN EXAMINATION ADMINISTERED BY THE 12 BOARD, AN APPLICANT SHALL TAKE AND PASS ALL APPLICABLE SECTIONS OF THE 13 NATIONAL EXAMINATION ADMINISTERED BY:
- 14 (1) THE NATIONAL BOARD OF CHIROPRACTIC EXAMINERS OR ITS 15 SUCCESSOR ENTITY;
- 16 (2) AN EQUIVALENT NATIONAL CHIROPRACTIC TESTING ENTITY
 17 APPROVED BY THE BOARD; OR
- 18 (2) (3) AN EQUIVALENT FOREIGN CHIROPRACTIC TESTING ENTITY 19 APPROVED BY THE BOARD.
- 20 3–305.1.
- 21 (a) The Board may grant [, as appropriate, an extern] A TEMPORARY license to 22 an individual who meets the requirements of this section.
- 23 (b) To qualify for [an extern] A TEMPORARY license, an applicant [shall be an individual seeking to participate in a chiropractic externship who] SHALL:
- 25 (1) [Submits] SUBMIT an application provided by the Board;
- 26 (2) [Has] **HAVE** graduated from an accredited chiropractic [college] 27 **PROGRAM OF STUDY**;
- 28 (3) [Has] **HAVE** begun the process of applying to the Board for a license to practice chiropractic, but [who has] not met [certain] requirements[, specified in regulation,] to qualify for a license;

- 1 [Has taken and passed the examination of the National Board of (4) **(I)** 2 Chiropractic Examiners; HAVE BEEN LICENSED IN ANOTHER STATE FOR AT LEAST 2 3 YEARS PRECEDING THE APPLICATION IN THE STATE; OR HAVE GRADUATED FROM AN ACCREDITED CHIROPRACTIC 4 5 PROGRAM OF STUDY WITHIN 6 MONTHS PRECEDING THE APPLICATION IN THE 6 STATE; 7 HAVE SUBMITTED WRITTEN, VERIFIED EVIDENCE THAT THE (5)8 APPLICANT HAS SUBMITTED A CRIMINAL HISTORY RECORDS CHECK IN 9 ACCORDANCE WITH § 3–302.1 OF THIS SUBTITLE; 10 **(6)** [Agrees] AGREE to practice under the direct supervision of a 11 Board-approved supervisor who is a licensed chiropractor while the [extern] TEMPORARY license is in effect; and 12 [Pays] PAY the TEMPORARY license fee set by the Board. 13 [(6)] **(7)** 14 (c) The applicant shall be of good moral character. 15 (d)The term of an extern license is the lesser of: (1) 16 (i) The duration of the individual's participation in the chiropractic 17 externship; or 18 (ii) 6 months from the date of the Board's approval of the externship 19 application. The term of an extern license shall terminate on the earlier of: 20 (2)21(i) The date the individual's chiropractic externship terminates; or 22The date the individual is licensed by the Board to practice 23 chiropractic without the direct supervision of a Board-approved licensed chiropractor. 24(D) **(1)** UNLESS THE BOARD SUSPENDS OR REVOKES A TEMPORARY 25LICENSE, EACH TEMPORARY LICENSE EXPIRES 6 MONTHS AFTER THE DATE OF 26ISSUE. 27 **(2)** SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A (I)TEMPORARY LICENSE MAY BE EXTENDED EVERY 90 DAYS. 28
- 29 (II) THE TOTAL LENGTH OF RENEWAL MAY NOT EXCEED 12 30 MONTHS FROM THE DATE THE ORIGINAL TEMPORARY LICENSE WAS ISSUED.

- 1 3–311.
- 2 (a) The Board shall place a licensee on inactive status, if the licensee submits to 3 the Board:
- 4 (1) An application for inactive status on the form required by the Board;
- 5 and
- 6 (2) The inactive status fee set by the Board.
- 7 (b) A licensee on inactive status may reactivate the license [at any time] if the 8 licensee:
- 9 (1) Complies with the continuing education AND CARDIOPULMONARY 10 RESUSCITATION (CPR) requirements in effect for the renewal period in which the 11 licensee seeks to reactivate the license; and
- 12 (2) Pays the [reinstatement] **REACTIVATION** fee set by the Board.
- 13 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:
- 18 (29) Fails to submit to a criminal history records check in accordance with § 19 3–302.1 of this subtitle; [or]
- 20 (30) Fails to comply with any Board order;
- 21 (31) DOES AN ACT THAT IS INCONSISTENT WITH GENERALLY 22 ACCEPTED PROFESSIONAL STANDARDS IN THE PRACTICE OF CHIROPRACTIC;
- 23 (32) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION 24 CONDUCTED BY THE BOARD; OR
- 25 (33) EXCEPT IN AN EMERGENCY LIFE-THREATENING SITUATION 26 WHERE IT IS NOT FEASIBLE OR PRACTICABLE, FAILS TO COMPLY WITH THE CENTERS 27 FOR DISEASE CONTROL AND PREVENTION'S GUIDELINES ON STANDARD 28 PRECAUTIONS.
- 29 3–314.
- 30 (a) If after a hearing under § 3–315 of this subtitle the Board finds that there are 31 grounds under § 3–313 of this subtitle to **REPRIMAND ANY LICENSEE**, **PLACE ANY**

- 1 LICENSEE ON PROBATION, OR suspend or revoke a license, the Board may impose a
- 2 penalty not exceeding \$5,000 for each violation:
- 3 (1) Instead of REPRIMANDING THE LICENSEE, PLACING THE LICENSEE
- 4 ON PROBATION, OR suspending OR REVOKING the license; or
- 5 (2) In addition to REPRIMANDING THE LICENSEE, PLACING THE
- 6 LICENSEE ON PROBATION, OR suspending or revoking the license.
- 7 **3–318.**
- 8 (A) IF THE BOARD, WHILE REVIEWING AN APPLICATION FOR LICENSURE OR
- 9 INVESTIGATING AN ALLEGATION BROUGHT AGAINST A LICENSEE UNDER THIS TITLE,
- 10 HAS REASON TO BELIEVE AND OBJECTIVE EVIDENCE THAT THE APPLICANT OR
- 11 LICENSEE MAY CAUSE HARM TO INDIVIDUALS AFFECTED BY THE APPLICANT'S OR
- 12 LICENSEE'S PRACTICE OF CHIROPRACTIC, THE BOARD SHALL REQUIRE THE
- 13 APPLICANT OR LICENSEE TO SUBMIT TO AN APPROPRIATE EXAMINATION BY A
- 14 HEALTH CARE PROVIDER DESIGNATED BY THE BOARD.
- 15 (B) IN RETURN FOR THE PRIVILEGE TO PRACTICE CHIROPRACTIC IN THE
- 16 STATE, THE APPLICANT OR LICENSEE IS DEEMED TO HAVE:
- 17 (1) CONSENTED TO SUBMIT TO AN EXAMINATION UNDER THIS
- 18 SECTION, IF REQUESTED BY THE BOARD IN WRITING; AND
- 19 (2) WAIVED ANY CLAIM OF PRIVILEGE AS TO THE TESTIMONY OR
- 20 EXAMINATION REPORTS OF THE EXAMINING HEALTH CARE PROFESSIONAL.
- 21 (C) THE FAILURE OR REFUSAL OF THE APPLICANT OR LICENSEE TO SUBMIT
- 22 TO AN EXAMINATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION IS PRIMA
- 23 FACIE EVIDENCE OF THE APPLICANT'S OR LICENSEE'S INABILITY TO PRACTICE
- 24 CHIROPRACTIC COMPETENTLY UNLESS THE BOARD FINDS THAT THE FAILURE OR
- 25 REFUSAL WAS BEYOND THE CONTROL OF THE LICENSEE.
- 26 (D) THE BOARD SHALL PAY THE COST OF ANY EXAMINATION MADE UNDER
- 27 THIS SECTION.
- 28 **[**3–402.

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- 29 (a) The Board shall approve those schools of chiropractic that provide a
- 30 curriculum, teaching standards, and facilities that the Board determines are adequate to
- 31 prepare a license applicant to practice chiropractic under this title.
 - (b) To be approved under this section, a school shall offer a program that:

$\frac{1}{2}$	resident stu	(1) Is 4 academic years that total at least 4,000 60-minute hours of ady; and			
3		(2) Leads to a degree of Doctor of Chiropractic.			
4 5	(c) meets the s	The Board may inspect any school of chiropractic to determine whether it standards required by this section.			
6	(d)	The Board may approve a school in another state on the recommendation of:			
7		(1) The chiropractic licensing authority of that state; or			
8		(2) The Council on Chiropractic Education.]			
9 10	,				
	Approved:				
		Governor.			
		President of the Senate.			
		Speaker of the House of Delegates.			