

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 52

Finance

(Senator Augustine)

Health and Government Operations

Health Occupations - State Board of Chiropractic Examiners - Revisions

This bill makes numerous changes to the State Board of Chiropractic Examiners and the law governing chiropractic licensure, including (1) altering board member appointment methods; (2) expanding disciplinary grounds and granting the board authority to conduct certain examinations of licensees and inspections; (3) revising licensure qualifications, including changes to educational requirements and board-administered examinations; and (4) replacing the extern license with a “preceptorship” and authorizing the board to issue temporary licenses. **The bill takes effect July 1, 2025.**

Fiscal Summary

State Effect: The bill's requirements can likely be handled within existing budgeted resources, as discussed below. There is no material impact on the Department of Public Safety and Correctional Services' Criminal Justice Information System Central Repository (CJIS-CR) associated with criminal history records checks (CHRC) for temporary licenses. Potential minimal general fund revenue increase to the extent additional individuals are issued a civil fine in addition to or in lieu of disciplinary action.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: The State Board of Chiropractic Examiners is responsible for ensuring that chiropractors and chiropractic assistants are properly educated, trained, and licensed and comply with laws and regulations pertaining to their respective scope of practice, including continuing education requirements. The board also conducts

investigations and disciplinary hearings relating to any violations of applicable laws and regulations. The board comprises seven volunteer members: five licensed chiropractors; and two consumer members.

Board Member Appointment Methods and Requirements: Under current law, the Governor must appoint the chiropractor members of the board, with the advice of the Secretary of Health, and with the advice and consent of the Senate, from a list of qualified individuals submitted to the Governor by the Maryland Chiropractic Association (MCA). The names on the list must be five times the number of vacancies, and the list must include the name of the incumbent member unless the incumbent declines renomination. Each chiropractor member of the board must be a resident of the State, a licensed chiropractor of integrity and ability who is in active practice, a graduate of a resident course in chiropractic, and an individual who has practiced chiropractic in the State for at least five consecutive years.

Under the bill, the list of names submitted by MCA must be *three* times the number of vacancies. In addition to the list of qualified individuals submitted by MCA, the Governor may appoint the chiropractor members from among the individuals who provide a statement of nomination signed by at least 20 chiropractors licensed in the State. The bill also removes the requirement that a chiropractor member be a graduate of a resident course in chiropractic.

Disciplinary Actions and Investigative Procedures

Disciplinary Grounds: Under current law, the board may deny a license to any applicant, reprimand any licensee, place any license on probation with or without conditions, or suspend or revoke a license, or any combination thereof if the applicant or licensee violates specified disciplinary grounds.

The bill adds three additional disciplinary grounds under which the board may take action against an applicant or licensee: (1) actions inconsistent with generally accepted professional standards in practice of chiropractic; (2) failure to cooperate with a lawful investigation conducted by the board; and (3) except in an emergency life-threatening situation where it is not feasible or practicable, failure to comply with the Centers for Disease Control and Prevention's (CDC) guidelines on standard precautions.

Disciplinary Actions and Civil Penalties: Under current law, if after a hearing the board finds that there are grounds to suspend or revoke a license, the board may suspend or revoke the license and/or impose a penalty of up to \$5,000 for each violation. The board must pay any penalty collected to the State general fund.

The bill specifies that, if after a hearing the board finds there are grounds to *reprimand any license or place any licensee on probation*, the board may also take those actions and/or impose the \$5,000 civil penalty.

Investigations and Inspections: The bill authorizes the board to conduct an unannounced inspection of the office of a chiropractor (except for offices in a hospital, related institution, freestanding medical facility, or freestanding birthing center) against whom a complaint has been filed with the board regarding a violation of CDC guidelines on standard precautions and related guidelines in regulations adopted by the board to determine noncompliance with the guidelines at that office.

Examination by a Health Care Professional: Under the bill, if the board has reason to believe and objective evidence that an applicant or licensee may cause harm to individuals affected by the applicant's or licensee's practice of chiropractic, the board must require the applicant or licensee to submit to an appropriate examination by a health care provider designated by the board. In return for the privilege to practice chiropractic in the State, each applicant or licensee is deemed to have consented to such an examination and waived any claim of privilege as to the testimony or examination reports of the examining health care professional. Failure or refusal to submit to an examination is *prima facie* evidence of the applicant's or licensee's inability to practice chiropractic competently unless the board finds that the failure or refusal was beyond the control of the licensee. The board must pay the cost of any such examinations.

Chiropractic Colleges, Schools, and Programs of Study

Under current law, the board must approve schools of chiropractic. The board may inspect any school to determine whether it meets the standards required by law and approve a school in another state upon a specified recommendation.

The bill repeals these provisions. The bill also broadly repeals the terms *chiropractic schools or colleges* and instead specifies that completion/graduation from *chiropractic programs of study* is required to meet licensure requirements.

Educational Requirements

Under current law, to qualify for a license (both with and without the right to practice physical therapy), an individual must (1) hold a bachelor's degree from a college or university approved by an accrediting agency of the U.S. Department of Education (ED) and have satisfactorily completed college courses required by the board and (2) be a graduate of a school of chiropractic approved by the board. Alternatively, an individual must be (1) licensed in another state for at least two years and (2) a graduate of a school of chiropractic that has been approved by the Council on Chiropractic Education (CCE)

within four years after the applicant graduated from that school and that the board determines had standards comparable to an approved school at the time the applicant graduated.

The bill repeals the requirement (and certain exemptions to the requirement) to hold a bachelor's degree and satisfactorily complete college courses required by the board. Instead, an individual must be a graduate of a chiropractic program of study that was, at the time of the applicant's graduation, accredited by CCE, an equivalent entity recognized by ED or another entity that accredits programs offering instruction in chiropractic, or an equivalent foreign agency that accredits programs offering instruction in chiropractic. Alternatively, an individual must be (1) licensed in another state for at least two years and (2) a graduate of a chiropractic *program of study* that has been *accredited* by CCE, an equivalent entity recognized by ED or another entity that accredits programs offering instruction in chiropractic, or an equivalent foreign agency that accredits programs offering instruction in chiropractic within four years after the applicant graduates and that the board determines had standards comparable to an accredited chiropractic program of study at the time the applicant graduated.

Externs and Preceptorships

Under current law, an extern license authorizes an individual to practice chiropractic under the direct supervision of a board-approved licensed chiropractor.

The bill repeals the extern license and instead adopts language allowing a "preceptorship," which means an organized system of clinical experience that allows a student enrolled in a chiropractic program of study to be paired with a clinical preceptor for the purpose of attaining specific learning objectives. The bill also exempts a student of chiropractic *engaged in a preceptorship*, from licensure requirements provided the preceptorship occurs under the direct supervision of a board-approved licensed chiropractor as part of a specified educational program. The board must adopt regulations governing preceptorships.

Temporary Licenses

The bill authorizes the board to issue a temporary license (in place of the former extern license). Qualified applicants must (1) submit an application provided by the board; (2) have graduated from an accredited chiropractic program of study; (3) have begun the process of applying for a license to practice chiropractic, but not met requirements to qualify for a license; (4) have been licensed in another State for at least two years or graduated from an accredited chiropractic program of study within 6 months preceding the application; (5) have submitted written, verified evidence of a CHRC; (6) agree to practice under the direct supervision of a board-approved supervisor who is a licensed chiropractor while the temporary license is in effect; and (7) pay the temporary license fee set by the

board. A temporary license expires 6 months after the date of issue and may be extended every 90 days provided the total length of renewal does not exceed 12 months from the date of initial issuance.

Chiropractic Examinations

Under current law, the board must develop examination criteria, including the process for grading, and notify each qualified applicant of the time and place of examination, including publishing the time and place of each examination in a newspaper of general circulation at least 30 days before the examination. The exam must include a written practical or oral section on clinical subjects as specified. Applicants qualify for a license to practice chiropractic only if the applicant answers at least 60% of the questions in each subsection other than on physical therapy and 75% of all questions on the examination other than those on physical therapy. To receive a license to practice chiropractic with the right to practice physical therapy, the applicant must answer 60% of the questions in each subsection and 75% of all questions on the exam.

The bill repeals the requirement that notice of examinations be published in the newspaper, as well as specifications for exam content and grading procedures. Instead, the bill specifies that the exam must include the general regulations of the State on the practice of chiropractic and the laws and regulations on infection control. Applicants qualify for a license to practice chiropractic only if the applicant answers at least 75% of all questions. Each applicant must pay an examination fee set by the board, which entitles the applicant to take the examination twice. In addition to the board-administered examination, an applicant must pass all applicable sections of the national examination administered by the National Board of Chiropractic Examiners or its successor entity, an equivalent national chiropractic testing entity approved by the board, or an equivalent foreign chiropractic testing entity approved by the board.

Inactive Status

Under current law, the board must place a licensee on inactive status if the licensee submits an application and pays the inactive status fee. A licensee may reactivate a license *at any time* if the licensee pays the reinstatement fee and complies with continuing education requirements in effect for the renewal period in which the licensee seeks to reactivate the license.

Under the bill, the ability to reactivate *at any time* is repealed. A licensee must also comply with cardiopulmonary resuscitation requirements to reactivate a license. The reinstatement fee is renamed the reactivation fee.

State Fiscal Effect:

Impact on the State Board of Chiropractic Examiners

Examination by a Health Care Provider: The bill requires the board to pay the cost of any examination by a health care provider when the board has reason to believe and objective evidence that an applicant or licensee may cause harm. The cost of an examination depends on the health care provider designated by the board for each investigation. However, the overall impact to the board is assumed to be minimal as the number of such examinations is likely minimal. The board advises that existing resources are sufficient to cover any examination costs.

Board-administered Examination: The board can alter board-administered examination content to include the general laws and regulations of the State on the practice of chiropractic and the laws and regulations on infection control without meaningful additional expenditures. Board special fund expenditures decrease minimally from repeal of the requirement to publish the time and location of exams in the newspaper. Provisions requiring that board-administered examination fees cover only two attempts at a board examination have no meaningful impact on board revenues as the board advises the change codifies current practice.

Temporary Licenses: This analysis assumes no change in board revenues as a result of repealing the extern license and establishing a temporary license provided (1) the board sets temporary license fees at a rate similar to the rate for extern licenses and (2) a similar number of individuals apply for and pay temporary license fees as currently pay extern license fees.

Impact on the Department of Public Safety and Correctional Services

CJIS-CR collects, manages, and disseminates Maryland criminal history records information for criminal justice and noncriminal justice (e.g., employment and licensing) purposes. The Federal Bureau of Investigation (FBI) charges a fee of \$12.00 for a national check. CJIS-CR collects the fee from the applicant and reimburses the FBI. CJIS-CR submits requests for national criminal records to the FBI electronically. Each individual who uses CJIS-CR to conduct a CHRC is required to pay \$50 for a State and national CHRC, including a \$20 fingerprinting fee, a \$12 FBI fee, an \$18 fee to CJIS-CR.

The bill requires applicants for a temporary license from the board to obtain a CHRC. Thus, CJIS CR revenues increase for fees collected from applicants. Such revenues are anticipated to offsets any costs to complete the CHRC.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 514 (Delegate Hill, *et al.*) - Health and Government Operations.

Information Source(s): Maryland Department of Health; Department of Legislative Services

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