

Letter 3/25

SENATE FILE 253

State Government
Drake, Chairperson
Staff
Glenn

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SENATE FILE 253

By SCHWENGELS, BURROUGHS,
HUTCHINS and MILLER
of Cerro Gordo

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the practice of chiropractic.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S. 1. 253

1 Section 1. Section one hundred fifty-one point one (151.1),
2 Code 1977, is amended by striking the section and inserting
3 in lieu thereof the following:

4 151.1 DEFINITIONS. For the purpose of this title:

5 1. "Chiropractic" means a discipline of the scientific
6 healing arts concerned with the examination, analysis, diag-
7 nosis, treatment, and the prevention of human ailments, pain
8 syndromes, functional disturbances, and neurophysiological
9 aberrations of the human body, especially of the spine and
10 pelvis, as taught by chiropractic colleges approved by the
11 board as provided in section one hundred fifty-one point four
12 (151.4) of the Code.

13 Nothing in this or other chapters shall be construed to
14 prohibit a licensed chiropractic physician from using those
15 diagnostic and treatment procedures or instruments, the use
16 of which are taught by chiropractic colleges approved by the
17 board as provided in section one hundred fifty-one point four
18 (151.4) of the Code. These procedures shall include, but
19 not be limited to, treatment of the neuromusculoskeletal
20 system; diagnostic X-ray; laboratory examination including
21 venipuncture; the use of analytical instruments; environ-
22 mental, nutritional, and dietary management; first aid; hy-
23 giene; rehabilitation; and physiological therapeutics all
24 designed to assist in the restoration and maintenance of
25 health according to chiropractic methods.

26 2. "Board" means the board of chiropractic examiners of
27 the state of Iowa.

28 3. "Chiropractic physician" or "chiropractor" means a
29 person licensed in this state in accordance with the provisions
30 of chapter one hundred forty-seven (147) of the Code and this
31 chapter.

32 4. "Persons engaged in the practice of chiropractic"
33 means:

34 a. Persons publicly professing to be chiropractic physi-
35 cians or publicly professing to assume the duties incident

1 to the practice of chiropractic.

2 b. Persons who treat human ailments by chiropractic.

3 c. Persons who act as representatives of any person in
4 performing any of the practices listed in this subsection.

5 Sec. 2. Section one hundred fifty-one point two (151.2),
6 unnumbered paragraph one (1), Code 1977, is amended to read
7 as follows:

8 ~~Section 151.2~~ Persons engaged in the practice of chiro-
9 practic shall not be construed to include the following classes
10 of persons:

11 Sec. 3. Section one hundred fifty-one point three (151.3),
12 Code 1977, is amended by striking subsection one (1) and
13 renumbering the remaining subsections.

14 Sec. 4. Section one hundred fifty-one point three (151.3),
15 subsection three (3), Code 1977, is amended to read as fol-
16 lows:

17 3. Pass an examination prescribed by the chiropractic
18 examiners in the subjects of anatomy, physiology,
19 symptomatology and diagnosis, hygiene and sanitation,
20 chemistry, histology, pathology, and principles and practice
21 of chiropractic, including a clinical demonstration of
22 ~~vertebral-palpation, nerve-tracing-and-adjusting.~~

23 Sec. 5. Section one hundred fifty-one point four (151.4),
24 subsection one (1), Code 1977, is amended to read as follows:

25 1. Requires for graduation or for the receipt of any
26 chiropractic degree the completion of a course of study
27 covering a period of four academic years ~~totaling-not-less~~
28 ~~than-four-thousand-sixty-minute-hours-in-actual-resident~~
29 attendance.

30 Sec. 6. Section one hundred fifty-one point four (151.4),
31 Code 1977, is amended by adding the following new subsection:

32 NEW SUBSECTION. Is accredited, which means having status
33 or full accreditation with the commission on accreditation
34 of the council on chiropractic education, or a college of
35 chiropractic that meets equivalent standards.

1 Sec. 7. Section one hundred fifty-one point five (151.5),
2 Code 1977, is amended to read as follows:

3 151.5 OPERATIVE SURGERY--DRUGS. A license to practice
4 chiropractic shall not authorize the licensee to ~~practice~~
5 perform operative surgery,--osteopathy,--nor-administer or
6 prescribe any prescription drug or-medicine-included-in-materia
7 medica. The provisions of this section shall not prohibit
8 the use of other diagnostic or treatment procedures by a
9 licensee.

10 Sec. 8. Section one hundred fifty-one point six (151.6),
11 Code 1977, is amended to read as follows:

12 151.6 DISPLAY OF WORD "CHIROPRACTOR". Every licensee
13 shall place upon all signs used by him, and display prominently
14 in his office the word "chiropractor" or "chiropractic".

15 Sec. 9. Chapter one hundred fifty-one (151), Code 1977,
16 is amended by adding the following new sections:

17 NEW SECTION. USE OF APPROPRIATED FUNDS. The board may
18 expend funds appropriated to the board for the following pur-
19 poses:

20 1. The administration, interpretation, and enforcement
21 of the provisions of this chapter and of chapter one hundred
22 forty-seven (147) of the Code.

23 2. The elevation of the standards of chiropractic practice.

24 3. The promotion of educational and professional standards
25 of chiropractors in this state.

26 NEW SECTION. CONTINUING EDUCATION. An applicant for li-
27 cense renewal under the provisions of section one hundred
28 forty-seven point ten (147.10) of the Code shall present evi-
29 dence satisfactory to the board of the completion of at least
30 ten hours of continuing education during the preceding year.
31 Failure to meet this requirement in the absence of good cause,
32 as determined by the board, shall result in suspension of
33 the license until this requirement has been met.

34 NEW SECTION. REVOCATION. In addition to the provisions
35 of sections one hundred forty-seven point fifty-eight (147.58)

1 through one hundred forty-seven point seventy-one (147.71)
2 of the Code, the board, after due notice and hearing, may
3 direct the commissioner of health to issue an order to
4 restrict, revoke or suspend a license to practice chiro-
5 practic, or to discipline a person licensed to practice
6 chiropractic for any of the grounds set forth in section one
7 hundred forty-seven point fifty-five (147.55) of the Code
8 or if, after a hearing, the board determines that a chiro-
9 practic physician is guilty of any of the following acts or
10 offenses:

11 1. Knowingly making misleading, deceptive, untrue or
12 fraudulent representation in the practice of his or her pro-
13 fession.

14 2. Being convicted of a felony in the courts of this state
15 or another state, territory, or country. Conviction as used
16 in this subsection includes a conviction of an offense which
17 if committed in this state would be deemed a felony without
18 regard to its designation elsewhere, or a criminal proceeding
19 in which a finding or verdict of guilt is made or returned,
20 but the adjudication of guilt is either withheld or not en-
21 tered. A certified copy of the final order or judgment of
22 conviction or plea of guilty in this state or in another state
23 shall be conclusive evidence.

24 3. Violating a statute or law of this state, another
25 state, or the United States, without regard to its designation
26 as either felony or misdemeanor, which statute or law relates
27 to the practice of chiropractic.

28 4. Having his or her license to practice chiropractic
29 revoked or suspended or having other disciplinary action taken
30 by a licensing authority of another state, territory, or coun-
31 try. A certified copy of the record or order of suspension,
32 revocation, or disciplinary action is conclusive or prima
33 facie evidence.

34 5. Knowingly aiding, assisting, procuring, or advising
35 a person to unlawfully practice chiropractic.

1 6. Being adjudged mentally incompetent. Such adjudica-
2 tion shall automatically suspend a license for the duration
3 of the license unless the board orders otherwise.

4 7. Being guilty of a willful or repeated departure from,
5 or the failure to conform to, the minimal standard of accep-
6 table and prevailing practice of chiropractic in which pro-
7 ceeding actual injury to a patient need not be established;
8 or the committing by a chiropractor of an act contrary to
9 honesty, justice, or good morals, whether the same is committed
10 in the course of his or her practice or otherwise, and whether
11 committed within or without this state.

12 8. Inability to practice chiropractic with reasonable
13 skill and safety by reason of illness, drunkenness, excessive
14 use of drugs, narcotics, chemicals, or other types of material
15 or as a result of a mental or physical condition. The board
16 shall, upon probable cause, have authority to compel a chiro-
17 practor to submit to a mental or physical examination by
18 designated physicians. Failure of a chiropractor to submit
19 to an examination shall constitute admission to the allega-
20 tions made against him or her and the finding of fact and
21 decision of the board may be entered without the taking of
22 testimony or presentation of evidence. At reasonable inter-
23 vals, a chiropractor shall be afforded an opportunity to
24 demonstrate that he or she can resume the competent prac-
25 tice of chiropractic with reasonable skill and safety to
26 patients.

27 A chiropractor who makes application for the renewal of
28 his or her license, as required by section one hundred forty-
29 seven point ten (147.10) of the Code, gives his or her consent
30 to submit to a mental or physical examination as provided
31 by this subsection when directed in writing by the board.
32 All objections shall be waived as to the admissibility of
33 the examining physicians' testimony or examination reports
34 on the grounds that they constitute privileged communication.
35 The medical testimony or examination reports shall not be

1 used against a chiropractor in another proceeding and shall
2 be confidential, except for other actions filed against a
3 chiropractor to revoke or suspend his or her license.

4 9. Willful or repeated violation of a rule promulgated
5 by the board or violating an order of the board, previously
6 entered by the board in a disciplinary hearing.

7 NEW SECTION. PROCEEDINGS. A proceeding for the revoca-
8 tion or suspension of a license to practice chiropractic or
9 to discipline a person licensed to practice chiropractic shall
10 be conducted in the manner prescribed in chapter seventeen
11 A (17A) of the Code. Findings of fact and decision of the
12 board shall be filed with the commissioner of public health
13 who shall within ten days from the filing enter an order
14 revoking or suspending the license issued to a chiropractor,
15 or discipline the licensee as directed by the board in its
16 decision. A copy of the commissioner's order shall immediately
17 be sent by registered mail to the licensee's last known post
18 office address accompanied by a copy of the board's findings
19 of fact and decision.

20 NEW SECTION. VOLUNTARY SURRENDER OF LICENSE TO PRACTICE
21 CHIROPRACTIC. The commissioner of public health may accept
22 the voluntary surrender of a license to practice chiropractic
23 if accompanied by a written statement of intention. Such
24 voluntary surrender, when so accepted, shall have the same
25 force and effect as an order of revocation.

26 NEW SECTION. REINSTATEMENT. Any person whose license
27 has been suspended, revoked, or who has been placed on proba-
28 tion may apply to the board for reinstatement at any time
29 and the board may hold hearings on any such petition and may
30 order reinstatement and impose terms and conditions thereof
31 and issue a certificate of reinstatement to the commissioner
32 of public health who shall issue a license as directed by
33 the board.

34 Sec. 10. This Act is effective January 1, 1978.

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EXPLANATION

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2 This bill makes changes in the chiropractic licensing law.
3 It redefines chiropractic, requires accreditation of colleges
4 of chiropractic for approval by the board, requires continuing
5 education for chiropractors, lists grounds for revocation
6 of a license, provides proceedings for revocation or suspension
7 of licenses, provides for voluntary surrender of a license,
8 and for reinstatement of a license.

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