

Senate Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

CHAPTER 59

SENATE BILL 1037

AN ACT

AMENDING SECTIONS 32-900, 32-921, 32-926, 32-931 AND 32-933, ARIZONA REVISED STATUTES; REPEALING SECTION 32-932, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF CHIROPRACTIC EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-900, Arizona Revised Statutes, is amended to
3 read:

4 32-900. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "ADVISORY LETTER" MEANS A NONDISCIPLINARY LETTER TO NOTIFY A
7 LICENSEE THAT EITHER:

8 (a) WHILE THERE IS INSUFFICIENT EVIDENCE TO SUPPORT DISCIPLINARY
9 ACTION, THE BOARD BELIEVES THAT CONTINUATION OF THE ACTIVITIES THAT LED TO
10 THE INVESTIGATION MAY RESULT IN FURTHER BOARD ACTION AGAINST THE LICENSEE.

11 (b) THE VIOLATION IS A MINOR OR TECHNICAL VIOLATION THAT IS NOT OF
12 SUFFICIENT MERIT TO WARRANT DISCIPLINARY ACTION.

13 (c) THE VIOLATION IS A MINOR OR TECHNICAL VIOLATION, AND WHILE THE
14 LICENSEE HAS DEMONSTRATED SUBSTANTIAL COMPLIANCE THROUGH REHABILITATION OR
15 REMEDIATION THAT HAS MITIGATED THE NEED FOR DISCIPLINARY ACTION, THE BOARD
16 BELIEVES THAT REPETITION OF THE ACTIVITIES THAT LED TO THE INVESTIGATION MAY
17 RESULT IN FURTHER BOARD ACTION AGAINST THE LICENSEE.

18 ~~1.~~ 2. "Board" means the state board of chiropractic examiners.

19 ~~2.~~ 3. "Certification" means that a doctor of chiropractic has been
20 certified by the board in a specialty of chiropractic as provided by law.

21 ~~3.~~ 4. "Chiropractic assistant" means an unlicensed person who has
22 completed an educational training program approved by the board, who assists
23 in basic health care duties in the practice of chiropractic under the
24 supervision of a doctor of chiropractic and who performs delegated duties
25 commensurate with the chiropractic assistant's education and training but who
26 does not evaluate, interpret, design or modify established treatment programs
27 of chiropractic care or violate any statute.

28 ~~4.~~ 5. "Doctor of chiropractic" means a natural person who holds a
29 license to practice chiropractic pursuant to this chapter.

30 ~~5.~~ 6. "License" means a license to practice chiropractic.

31 ~~6.~~ 7. "Physical medicine modalities" means any physical agent applied
32 to produce therapeutic change to biologic tissues, including thermal,
33 acoustic, noninvasive light, mechanical or electric energy, hot or cold
34 packs, ultrasound, galvanism, microwave, diathermy and electrical
35 stimulation.

36 ~~7.~~ 8. "Therapeutic procedures" means the application of clinical
37 skills and services, including therapeutic exercise, therapeutic activities,
38 manual therapy techniques, massage and structural supports, to improve a
39 patient's neuromusculoskeletal condition.

40 Sec. 2. Section 32-921, Arizona Revised Statutes, is amended to read:

41 32-921. Application for license; qualifications of applicant;
42 fee; background investigations

43 A. A person who wishes to practice chiropractic in this state shall
44 submit a complete application to the board at least forty-five days before

1 the next scheduled examinations on a form and in the manner prescribed by the
2 board.

3 B. To be eligible for an examination and licensure, the applicant
4 shall:

5 1. Be a person of good character and reputation.

6 2. Be a graduate of a chiropractic college that both:

7 (a) Is accredited by or has status with the council on chiropractic
8 education or is accredited by an accrediting agency recognized by the United
9 States department of education or the council on postsecondary accreditation
10 ~~or has the equivalent of these standards as determined by the board.~~

11 (b) Teaches a resident course of four years of not less than nine
12 months each year, or the equivalent of thirty-six months of continuous study,
13 and that comprises not less than four thousand credit hours of resident study
14 required to receive a degree of doctor of chiropractic (D.C.).

15 3. Be physically and mentally able to practice chiropractic skillfully
16 and safely.

17 4. Have a certificate of attainment for part I and part II and a score
18 of three hundred seventy-five or more on part III of the examination
19 conducted by the national board of chiropractic examiners.

20 C. The board may refuse to give an examination or may deny licensure
21 to an applicant who:

22 1. Fails to qualify for an examination or licensure under subsection B
23 of this section.

24 2. Has had a license to practice chiropractic refused, revoked,
25 suspended or restricted by a regulatory board in this or any other
26 jurisdiction for any act that constitutes unprofessional conduct pursuant to
27 this chapter.

28 3. Is currently under investigation by a regulatory board in this or
29 any other jurisdiction for an act that constitutes unprofessional conduct
30 pursuant to this chapter.

31 4. Has surrendered a license to practice chiropractic in lieu of
32 disciplinary action by a regulatory board in this or any other jurisdiction
33 for an act that constitutes unprofessional conduct pursuant to this chapter.

34 5. Has been convicted of criminal conduct that constitutes grounds for
35 disciplinary action pursuant to section 32-924 or board rules.

36 D. On making application, the applicant shall pay to the executive
37 director of the board a nonrefundable fee of two hundred fifty dollars. The
38 board shall keep a register of all applicants and the result of each
39 examination.

40 E. In order to determine an applicant's eligibility for examination
41 and licensure, the board may require the applicant to submit a full set of
42 fingerprints to the board. The board shall submit the fingerprints to the
43 department of public safety for the purpose of obtaining a state and federal
44 criminal records check pursuant to section 41-1750 and Public Law 92-544.
45 The department of public safety may exchange this fingerprint data with the

1 federal bureau of investigation. The board shall charge each applicant a fee
2 that is necessary to cover the cost of the investigation. The board shall
3 forward this fee to the department of public safety.

4 Sec. 3. Section 32-926, Arizona Revised Statutes, is amended to read:
5 32-926. Practice of chiropractic without license prohibited;
6 exemptions

7 A. It is unlawful for a person to:

8 1. Practice chiropractic in this state without having first obtained a
9 license as provided in this chapter.

10 2. Work as a chiropractic assistant except under the supervision of a
11 doctor of chiropractic and pursuant to this chapter and rules adopted
12 pursuant to this chapter.

13 3. Use the abbreviation "C.A." or the term "chiropractic assistant"
14 unless the person is working under the supervision of a doctor of
15 chiropractic pursuant to this chapter and rules adopted by the board.

16 4. Practice chiropractic in this state after the board places the
17 person on inactive status pursuant to section 32-933.

18 B. This chapter does not prevent:

19 1. A person who is licensed by another state, territory or district
20 from meeting within this state in consultation with a person licensed
21 pursuant to this chapter if that person does not open an office or appoint a
22 place of meeting to receive patients in this state.

23 2. Any person from acting at the direction and under the supervision
24 of a doctor of chiropractic licensed pursuant to this chapter if that person
25 is acting in an assistant or technical capacity, is not in violation of this
26 chapter and does not claim to be licensed to practice chiropractic.

27 3. Any chiropractic student from participating in a preceptorship
28 training program approved by the board.

29 ~~4. A doctor of chiropractic who holds a restricted permit from~~
30 ~~practicing chiropractic pursuant to section 32-932.~~

31 Sec. 4. Section 32-931, Arizona Revised Statutes, is amended to read:
32 32-931. Continuing education; requirements

33 A. The board by rule may require each licensee to complete up to
34 twelve hours of continuing education each calendar year as a condition of
35 licensure renewal.

36 B. Continuing education shall cover topics listed in section 32-922,
37 subsection B and section 32-922.02 and shall be taught by a faculty member of
38 a college or university that is accredited by or has status with the council
39 on chiropractic education or is accredited by an accrediting agency
40 recognized by the United States department of education or the council on
41 postsecondary accreditation ~~or has the equivalent of these standards as~~
42 ~~determined by the board.~~ BEGINNING JULY 1, 2012, THE BOARD SHALL ADOPT RULES
43 TO PRESCRIBE THE CONTINUING EDUCATION REQUIREMENTS.

44 C. Compliance with this section shall be documented at the times and
45 in the manner as prescribed by the board in rule.

1 D. Failure of a person holding a license to practice chiropractic to
2 comply with this section without adequate cause being shown is grounds for
3 probation or suspension of the person's license.

4 Sec. 5. Repeal

5 Section 32-932, Arizona Revised Statutes, is repealed.

6 Sec. 6. Section 32-933, Arizona Revised Statutes, is amended to read:

7 32-933. Inactive license; restrictions; reinstatement to active
8 license

9 A. On written request, the board shall place a licensee in good
10 standing on inactive status. The request shall state that the licensee is
11 not currently engaged in the practice of chiropractic in this state.

12 B. If an inactive licensee applies to the board for reinstatement to
13 active licensure within ~~twelve months~~ TWO YEARS after the date the board
14 issues a notice of inactive status, the inactive licensee shall submit the
15 full annual license renewal fee and prove to the board's satisfaction that
16 the licensee has met the continuing education requirements of section 32-931
17 and board rules relating to continuing education.

18 C. In addition to meeting the requirements of subsection B of this
19 section, a licensee who has been on inactive status and who has not been
20 actively engaged in the practice of chiropractic for more than two years must
21 pass the national board of chiropractic examiners spec examination before
22 reinstatement to active licensure.

23 D. A licensee who is on inactive status shall meet all of the
24 requirements of section 32-923.

25 E. The practice of chiropractic in this state during any time that a
26 license is on inactive status is grounds for sanction of the licensee.

~~APPROVED BY THE GOVERNOR APRIL 12, 2011.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 12, 2011.~~

Passed the House April 5, 20 11,

by the following vote: 57 Ayes,

2 Nays, 1 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate January 27, 20 11,

by the following vote: 24 Ayes,

3 Nays, 3 Not Voting

[Signature]
President of the Senate

Charmine Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

6 day of April, 20 11,

at 3:40 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 12th day of

April, 20 11,

at 9:08 o'clock A. M.

[Signature]
Governor of Arizona

S.B. 1037

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 12th day of April, 20 11,

at 4:01 o'clock P. M.

[Signature]
Secretary of State