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[Second Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2029

STATE OF NEW JERSEY
213th LEGISLATURE

ADOPTED MAY 7, 2009

Sponsored by:

Assemblywoman BONNIE WATSON COLEMAN
District 15 (Mercer)

Co-Sponsored by:

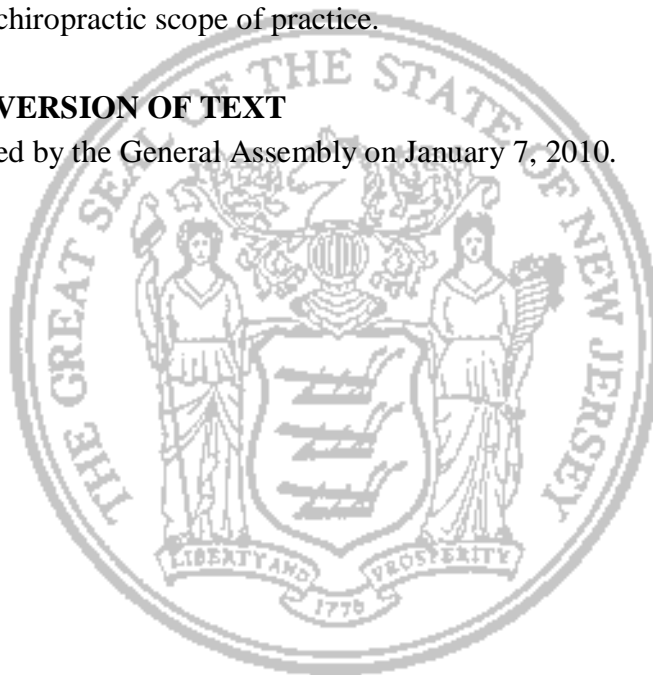
Assemblymen Diegnan, DeAngelo, Scalera, Bramnick, Senators Sweeney,
Weinberg, Bucco, Ciesla, Van Drew and Sacco

SYNOPSIS

Concerns chiropractic scope of practice.

CURRENT VERSION OF TEXT

As amended by the General Assembly on January 7, 2010.



(Sponsorship Updated As Of: 1/12/2010)

1 AN ACT concerning the practice of chiropractic, amending
2 R.S.45:9-14.5, P.L.1991, c.187, and amending and
3 supplementing P.L.1989, c.153.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. R.S.45:9-14.5 is amended to read as follows:

9 45:9-14.5. **【**Within the meaning of the provisions of sections
10 45:9-14.6, 45:9-14.7, 45:9-14.8 and 45:9-14.9 hereof, and of this
11 act, which supplements chapter nine of Title 45 of the Revised
12 Statutes, the practice of chiropractic is defined as follows: "A
13 system of adjusting the articulations of the spinal column by
14 manipulation thereof."**】**

15 a. **¹“Chiropractic subluxation” means a complex of functional,**
16 **structural or pathological articular lesions or a local or systemic**
17 **aberration of the nervous system caused by injury, pressure,**
18 **traction, stress, torsion, or by chemical or electrical irritation,**
19 **stimulation, or inhibition of a nerve that compromise neural**
20 **integrity as determined by chiropractic analytical procedures.¹**

21 **“Practice of chiropractic” means a philosophy, science and**
22 **healing art concerned with the restoration and preservation of health**
23 **and wellness through the promotion of well-being, prevention of**
24 **disease and promotion and support of the inherent or innate**
25 **recuperative abilities of the body. The practice of chiropractic**
26 **includes the reduction of ¹chiropractic¹ subluxation, and the**
27 **examination, diagnosis, analysis, assessment, systems of**
28 **adjustments, manipulation and treatment of the articulations ¹【,】**
29 **and soft tissue¹ ²【structures】² ¹【or tissues】¹ of the body. It is**
30 **within the lawful scope of the practice of chiropractic to diagnose,**
31 **adjust, and treat the articulations of the spinal column and other**
32 **joints, articulations, and soft tissue ²【structures】² and to order and**
33 **administer physical modalities and therapeutic, rehabilitative and**
34 **strengthening exercises.**

35 **“Prescription” means a written direction of remedy for a disease,**
36 **illness or injury and the instructions for using that remedy.**

37 **¹【“Subluxation” means a complex of functional, structural or**
38 **pathological articular lesions or a local or systemic aberration of the**
39 **nervous system caused by injury, pressure, traction, stress, torsion,**
40 **or by chemical or electrical irritation, stimulation, or inhibition of a**
41 **nerve that compromise neural integrity.】¹**

42 b. A licensed chiropractor shall have the right in the
43 examination of patients to use the neurocalometer, X-ray, and other

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted December 7, 2009.

² Assembly floor amendments adopted January 7, 2010.

1 necessary instruments solely for the purpose of diagnosis or
2 analysis. No licensed chiropractor shall ~~use endoscopic or cutting~~
3 ~~instruments~~ perform endoscopy, or prescribe, administer, or
4 dispense drugs or medicines for any purpose whatsoever, or
5 perform ~~surgical operations~~ surgery as requires cutting by
6 instruments or laser excepting adjustment of the articulations of the
7 spinal column or extremities.

8 No person licensed to practice chiropractic shall sign any
9 certificate required by law or the State Sanitary Code concerning
10 reportable diseases, or birth, marriage or death certificates.

11 ~~No person licensed to practice chiropractic shall use the title~~
12 ~~doctor or its abbreviation in the practice of chiropractic unless it be~~
13 ~~qualified by the word "chiropractor."~~

14 c. A chiropractor licensed by the State Board of Chiropractic
15 Examiners may ¹, subject to the requirements of subsection e. of
16 this section¹:

17 (1) Use methods of treatment including chiropractic practice
18 methods, physical medicine modalities, rehabilitation, splinting or
19 bracing ¹consistent with the practice of chiropractic ¹, nutrition and
20 first aid and may order such diagnostic or analytical tests, including
21 diagnostic imaging, bioanalytical laboratory tests, and may perform
22 such other diagnostic and analytical diagnostic tests ¹[such as]
23 including¹ reagent strip tests, X-ray, computer-aided neuromuscular
24 testing, and nerve conduction studies, and may interpret evoked
25 potentials;

26 (2) Sign or certify temporary or permanent impairments and
27 other certifications consistent with a chiropractic practice such as
28 [pre-participation and]¹ pre-employment screenings. A
29 chiropractic physician may use recognized ¹[medical guides]
30 references¹ in making his determination; and

31 (3) Provide dietary or nutritional counseling, such as the
32 direction, administration, dispensing and sale of nutritional
33 supplements, including, but not limited to, all food concentrates,
34 food extracts, vitamins, minerals, herbs, enzymes, amino acids,
35 homeopathic remedies and other dietary supplements, including, but
36 not limited to, tissue or cell salts, glandular extracts, nutraceuticals,
37 botanicals and other nutritional supplements; provided the
38 chiropractor has successfully completed a course of study
39 [approved by the board]¹ concerning human nutrition, consisting
40 of not less than 45 ¹[credit]¹ hours ¹from a college or university
41 accredited by a regional or national accrediting agency recognized
42 by the United States Department of Education and approved by the
43 board¹.

44 d. It shall be unlawful for any person, not duly licensed in this
45 State to practice chiropractic, to use terms, titles, words or letters
46 which would designate or imply that he or she is qualified to

1 practice chiropractic, or to hold himself or herself out as being able
2 to practice chiropractic, or offer or attempt to practice chiropractic,
3 or to render a utilization management decision that limits, restricts
4 or curtails a course of chiropractic care.

5 'e. A chiropractic diagnosis or analysis shall be based upon a
6 chiropractic examination appropriate to the presenting patient,
7 except that a licensed chiropractor who, at any time during the
8 examination has reasonable cause to believe symptoms or
9 conditions are present that require diagnosis, analysis, treatment, or
10 methods beyond the scope of chiropractic as defined in subsection
11 a. of this section, shall refer an individual to a practitioner licensed
12 to practice dentistry, medicine or surgery in this State or other
13 appropriate licensed healthcare professionals. Nothing contained in
14 this subsection shall preclude a licensed chiropractor from
15 rendering concurrent or supportive chiropractic care to any patient
16 so referred.'¹

17 (cf: P.L.1953, c.233, s.3)

18

19 2. Section 46 of P.L.1991, c.187 (C.45:9-22.11) is amended to
20 read as follows:

21 46. A physician shall not dispense more than a seven-day supply
22 of drugs or medicines to any patient. The drugs or medicines shall
23 be dispensed at or below the cost the physician has paid for the
24 particular drug or medicine, plus an administrative cost not to
25 exceed 10% of the cost of the drug or medicine.

26 The provisions of this section shall not apply to a physician:

27 a. who dispenses drugs or medicines in a hospital emergency
28 room, a student health center at an institution of higher education,
29 or a publicly subsidized community health center, family planning
30 clinic or prenatal clinic, if the drugs or medicines that are dispensed
31 are directly related to the services provided at the facility;

32 b. whose practice is situated 10 miles or more from a licensed
33 pharmacy;

34 c. when he dispenses allergenic extracts and injectables;

35 d. when he dispenses drugs pursuant to an oncological or AIDS
36 protocol; or

37 e. when he dispenses salves, ointments or drops.

38 The provisions of this section shall not apply to a licensed
39 chiropractic physician who dispenses food concentrates, food
40 extracts, vitamins, minerals, herbs, enzymes, amino acids, tissue or
41 cell salts, glandular extracts, nutraceuticals, botanicals,
42 homeopathic remedies, and other nutritional supplements.

43 (cf: P.L.1991, c.187, s.46)

44

45 3. Section 3 of P.L.1989, c.153 (C.45:9-41.19) is amended to
46 read as follows:

1 3. As used in [this act, sections 19, 20 and 24 of P.L.1939,
2 c.115 (C.45:9-14.5, C.45:9-14.6 and C.45:9-14.10)] P.L.1989,
3 c.153 (C.45:41.17 et al.) and sections 7 through 14 and sections 19
4 and 20 of P.L.1953, c.233 [(C.45:9-41.5 et al.)] (C.45:9-41.4
5 through C.45:9-41.13 inclusive):

6 a. "Board" means the State Board of Chiropractic Examiners
7 created pursuant to section 4 of [this act] P.L.1989, c.153 (C.45:9-
8 41.20).

9 b. "Doctor of Chiropractic," "Chiropractor" or "Chiropractic
10 Physician" means a person trained and qualified in the discipline of
11 chiropractic whose license is in force and not suspended or revoked
12 at the time in question.

13 A person licensed to practice chiropractic may use the title
14 doctor, or its abbreviation, in the practice of chiropractic, however,
15 it must be qualified by the words doctor of chiropractic,
16 chiropractor or chiropractic physician, or its abbreviation, D.C. The
17 use of the title doctor of chiropractic, chiropractor, chiropractic
18 physician, or its abbreviation, D.C., may be used interchangeably.

19 (cf: P.L.1989, c.153, s.3)

20
21 4. Section 11 of P.L.1989, c.153 (C.45:9-41.27) is amended to
22 read as follows:

23 11. The scope of practice of chiropractic shall remain as defined
24 in existing statutes. Nothing in this act shall be deemed to prohibit
25 a chiropractor from caring for chiropractic subluxation ¹[as
26 determined by chiropractic analytical procedures]¹. Chiropractic
27 analysis which identifies the existence of a ¹chiropractic¹
28 subluxation may be the [only] basis for chiropractic care even in
29 the absence of a subjective complaint or other objective findings.

30 (cf: P.L.1989, c.153, s.11)

31
32 5. (New section) The board shall require each person licensed
33 as a chiropractor, as a condition for biennial registration, to
34 complete 30 credits of continuing chiropractic education as
35 provided in section 6 of this amendatory and supplementary act
36 during each biennial registration period. A minimum of two of the
37 30 credits shall consist of the study of State laws and regulations
38 governing chiropractic professional ethics or record keeping and
39 documentation as it pertains to the practice of chiropractic in this
40 State, and a minimum of two credits shall consist of nutrition
41 education.

42
43 6. (New section) a. The board:

44 (1) Shall establish standards for continuing chiropractic
45 education, including, but not limited to, the subject matter and
46 content of courses of study that are taught by chiropractic schools,
47 colleges, institutions and universities or tested on for licensure;

- 1 (2) May accredit educational programs offering credit towards
2 the continuing chiropractic education requirements;
- 3 (3) May accredit other educational programs, including, but not
4 limited to educational programs offered by professional
5 organizations or societies, health care professions, schools,
6 colleges, institutions, universities or healthcare facilities;
- 7 (4) May allow satisfactory completion of continuing
8 chiropractic education requirements through equivalent education
9 programs such as examinations, papers, publications, scientific
10 presentations, teaching and research appointments, scientific
11 exhibits and independent study or Internet courses such as distance
12 learning, including, but not limited to, video and audio tapes or
13 Internet education programs; and
- 14 (5) Shall establish procedures for the issuance of credit upon
15 satisfactory proof of the completion of these programs.
- 16 b. Each 50 minutes of instruction in a board approved
17 education course or program shall be equivalent to one credit.
- 18
- 19 7. (New section) The board shall:
- 20 a. Establish procedures for monitoring compliance of the
21 continuing education requirements; and
- 22 b. Establish procedures to evaluate and grant approval to
23 providers of continuing education courses.
- 24
- 25 8. (New section) The board may, in its discretion, waive
26 requirements for continuing chiropractic education on an individual
27 basis for reasons of hardship, such as illness or disability,
28 retirement of the license, or other good cause.
- 29
- 30 9. (New section) a. The board shall not require a new licensee
31 to complete required continuing chiropractic education credits for
32 any registration period commencing within 12 months of the
33 licensee's participation in and completion of an accredited graduate
34 chiropractic education program.
- 35 b. Any person who fails to complete the continuing
36 chiropractic education requirements established pursuant to section
37 5 of this amendatory and supplementary act shall be liable to a civil
38 penalty of not more than \$500 or a designated number of additional
39 hours of continuing chiropractic education, or both, as imposed by
40 the board for a first offense. A second or subsequent offense by a
41 licensee may be considered professional misconduct.
- 42 c. The board shall promulgate regulations concerning
43 continuing education requirements within 180 days of the effective
44 of this amendatory and supplementary act.
- 45

46 ²10. Section 7 of P.L. 1989, c. 153 (C. 45:9-41.23) is amended to
47 read as follows:

- 1 7. The board shall:
- 2 a. Appoint and prescribe the duties of an executive secretary.
- 3 The executive secretary shall serve at its pleasure;
- 4 b. Review the qualifications of applicants for licensure;
- 5 c. Insure the proper conduct and standards of examinations;
- 6 d. Issue and renew annual licenses for chiropractors pursuant to
- 7 this act, sections 19, 20 and 24 of P.L.1939, c.115 (C.45:9-14.5,
- 8 C.45:9-14.6 and C.45:9-14.10) and P.L.1953, c.233 (C.45:9-41.5 et
- 9 al.);
- 10 e. Refuse to admit a person to an examination, or refuse to
- 11 issue a license, or suspend, revoke or fail to renew the license of a
- 12 chiropractor pursuant to the provisions of P.L.1978, c.73 (C.45:1-14
- 13 et seq.);
- 14 f. Maintain a record of chiropractors licensed in this State,
- 15 their places of business, places of residence and the date and
- 16 number of their licenses;
- 17 g. Prescribe or change the charges for examinations, licensures,
- 18 renewals and other services it performs pursuant to P.L.1974, c.46
- 19 (C.45:1-3.1 et seq.);
- 20 h. Establish standards pursuant to which a chiropractor shall
- 21 maintain medical malpractice liability insurance coverage, at
- 22 appropriate amounts, as set forth in regulations;
- 23 g. Adopt and promulgate rules and regulations pursuant to the
- 24 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
- 25 seq.) necessary to effectuate the purposes of this act, sections 19, 20
- 26 and 24 of P.L.1939, c.115 (C.45:9-14.5, C.45:9-14.6 and C.45:9-
- 27 14.10) and P.L.1953, c.233 (C.45:9-41.5 et al.).²
- 28 (cf: P.L.1989, c.153, s.7)
- 29

30 ²[10.] 11.²This act shall take effect immediately.

ASSEMBLY, No. 2029

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JANUARY 28, 2008

Sponsored by:

**Assemblywoman BONNIE WATSON COLEMAN
District 15 (Mercer)**

Co-Sponsored by:

Assemblyman Diegnan

SYNOPSIS

Permits revised methods of treatment for chiropractors and establishes continuing education requirements.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/8/2009)

1 AN ACT concerning the practice of chiropractic, amending various
2 parts of the statutory law and amending and supplementing
3 P.L.1989, c.153.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. R.S.45:9-14.5 is amended to read as follows:

9 45:9-14.5. a. Within the meaning of the provisions of [sections
10 45:9-14.6, 45:9-14.7, 45:9-14.8 and 45:9-14.9 hereof, and of this
11 act, which supplements chapter nine of Title 45 of the Revised
12 Statutes, the practice of chiropractic is defined as follows: "A
13 system of adjusting the articulations of the spinal column by
14 manipulation thereof." A licensed chiropractor shall have the right
15 in the examination of patients to use the neurocalometer, X-ray, and
16 other necessary instruments solely for the purpose of diagnosis or
17 analysis. No licensed chiropractor shall use endoscopic or cutting
18 instruments, or prescribe, administer, or dispense drugs or
19 medicines for any purpose whatsoever, or perform surgical
20 operations excepting adjustment of the articulations of the spinal
21 column.

22 No person licensed to practice chiropractic shall sign any
23 certificate required by law or the State Sanitary Code concerning
24 reportable diseases, or birth, marriage or death certificates.

25 No person licensed to practice chiropractic shall use the title
26 doctor or its abbreviation in the practice of chiropractic unless it be
27 qualified by the word "chiropractor."] sections 7 through 14 and
28 sections 19 and 20 of P.L.1953, c.233 (C.45:9-41.4 through C.45:9-
29 41.13 inclusive) and P.L.1989, c.153 (C.45:9-41.17 et seq.):

30 "Practice of chiropractic" means a philosophy, science and
31 healing art concerned with the restoration and preservation of health
32 and wellness through the promotion of well-being, prevention of
33 disease and promotion and support of the inherent or innate
34 recuperative abilities of the body. The practice of chiropractic
35 includes, but is not limited to, the examination, diagnosis, analysis,
36 assessment, systems of adjustments, manipulation and treatment of
37 the articulations, structures or tissues of the body, particularly the
38 spine, nervous system and related structures.

39 "Prescription" means a written direction of remedy for a disease,
40 illness or injury and the instructions for using that remedy.

41 "Subluxation" means a complex of functional, structural or
42 pathological articular lesions or a local or systemic aberration of the
43 nervous system caused by injury, pressure, traction, torsion, or by
44 chemical or electrical irritation or stimulation or inhibition of a
45 nerve that compromise neural integrity and may affect normal

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 physiological function, organ system function homeostasis,
2 wellness and general health.

3 b. A chiropractor licensed by the State Board of Chiropractic
4 Examiners may:

5 (1) Use any method of treatment for any ailment, pain, disease,
6 injury, deformity, or condition, limited to, chiropractic practice
7 methods, physical medicine modalities, rehabilitation, acupuncture,
8 electricity, water, sound, light, heat or cold, splinting or bracing,
9 nutrition and first aid. A chiropractor may also perform, order and
10 interpret any method of diagnosis or analysis of any ailment,
11 disease, pain, injury, deformity, or condition, including, but not
12 limited to, x-ray, motion x-ray, bone scan, computer-aided imaging,
13 computer-aided neuromuscular testing, electrodiagnostic testing,
14 and the taking of samples for bio-analytical laboratory tests.

15 Notwithstanding the provisions of this subsection, a chiropractor
16 shall not employ the use of surgery as requires cutting by
17 instruments or laser; or prescribe any drug or medicine, except as
18 allowed in paragraph (3) of this subsection.

19 (2) Order, request, or prescribe any other generally recognized
20 medical test for the purpose of diagnosis or analysis.

21 (3) Provide dietary or nutritional counseling, including, but not
22 limited to, the prescription, administration, dispensing and sale of
23 nutritional supplements, including, but not limited to, all food
24 concentrates, food extracts, vitamins, minerals, herbs, enzymes,
25 amino acids, homeopathic remedies and other dietary supplements,
26 including, but not limited to, tissue or cell salts, glandular extracts,
27 nutraceuticals, botanicals and other nutritional supplements.

28 (4) Supervise, coordinate, prescribe or provide for other aspects
29 of his patients' complete health and well-being concordant with his
30 training within the scope of practice parameters set forth in this
31 amendatory and supplementary act.

32 (5) Sign or certify temporary or permanent impairments and
33 other certifications consistent with a chiropractic practice,
34 including, but not limited to, school and pre-employment physicals.
35 A chiropractic physician may use recognized medical guides in
36 making his determination.

37 c. It shall be unlawful for any person, not duly licensed in this
38 State to practice chiropractic, to use terms, titles, words or letters
39 which would designate or imply that he [or she] is qualified to
40 practice chiropractic [, or to hold himself or herself out as being
41 able to practice chiropractic, or offer or attempt to practice
42 chiropractic] or render a utilization management opinion that
43 limits, restricts or curtails a course of chiropractic care.

44 d. Notwithstanding any other law or regulation to the contrary,
45 no person, other than a chiropractor licensed by the State Board of
46 Chiropractic Examiners pursuant to sections 7 through 14 and
47 sections 19 and 20 of P.L.1953, c.233 (45:9-41.4 through C.45:9-
48 41.13 inclusive) shall perform a chiropractic spinal adjustment to

1 correct a subluxation. Nothing in this section shall prevent a
2 physician licensed in this State from manually or surgically
3 manipulating the spine or a physical therapist licensed in this State
4 from manually manipulating the spine.

5 e. Nothing in this amendatory and supplementary act shall be
6 construed to allow chiropractors to practice medicine or surgery.
7 (cf: P.L.1953, c.233, s.3)

8
9 2. Section 46 of P.L.1991, c.187 (C.45:9-22.11) is amended to
10 read as follows:

11 46. A physician shall not dispense more than a seven-day supply
12 of drugs or medicines to any patient. The drugs or medicines shall
13 be dispensed at or below the cost the physician has paid for the
14 particular drug or medicine, plus an administrative cost not to
15 exceed 10% of the cost of the drug or medicine.

16 The provisions of this section shall not apply to a physician:

17 a. who dispenses drugs or medicines in a hospital emergency
18 room, a student health center at an institution of higher education,
19 or a publicly subsidized community health center, family planning
20 clinic or prenatal clinic, if the drugs or medicines that are dispensed
21 are directly related to the services provided at the facility;

22 b. whose practice is situated 10 miles or more from a licensed
23 pharmacy;

24 c. when he dispenses allergenic extracts and injectables;

25 d. when he dispenses drugs pursuant to an oncological or AIDS
26 protocol; or

27 e. when he dispenses salves, ointments or drops.

28 The provisions of this section shall not apply to a licensed
29 chiropractic physician who dispenses food concentrates, food
30 extracts, vitamins, minerals, herbs, enzymes, amino acids, tissue or
31 cell salts, glandular extracts, nutraceuticals, botanicals,
32 homeopathic remedies, and other nutritional supplements.

33 (cf: P.L.1991, c.187, s.46)

34
35 3. Section 3 of P.L.1989, c.153 (C.45:9-41.19) is amended to
36 read as follows:

37 3. As used in [this act, sections 19, 20 and 24 of P.L.1939,
38 c.115 (C.45:9-14.5, C.45:9-14.6 and C.45:9-14.10)] P.L.1989,
39 c.153 (C.45-41.17 et seq.) and sections 7 through 14 and sections 19
40 and 20 of P.L.1953, c.233 [(C.45:9-41.5 et al.)] (C.45:9-41.4
41 through C.45:9-41.13 inclusive):

42 a. "Board" means the State Board of Chiropractic Examiners
43 created pursuant to section 4 of [this act] P.L.1989, c.153 (C.45:9-
44 41.20 et seq.).

45 b. "Doctor of Chiropractic," "Chiropractor" or "Chiropractic
46 Physician" means a person trained and qualified in the discipline of
47 chiropractic whose license is in force and not suspended or revoked
48 at the time in question.

1 A doctor of chiropractic, chiropractor or chiropractic physician
2 shall also mean a physician with only those express limitations on
3 his license as defined in sections 7 through 14 and sections 19 and
4 20 of P.L.1953, c.233 (C.45:9-41.4 through C.45:9-41.13 inclusive)
5 and section 3 of P.L.1990, c.68 (C.45:9-14.5a).

6 A person licensed to practice chiropractic may use the title
7 doctor, or its abbreviation, in the practice of chiropractic, however,
8 it must be qualified by the words doctor of chiropractic,
9 chiropractor or chiropractic physician or its abbreviation, D.C. The
10 use of the title doctor of chiropractic, chiropractic physician,
11 chiropractor, or its abbreviation, D.C., may be used
12 interchangeably.

13 (cf: P.L.1989, c.153, s.3)

14
15 4. Section 7 of P.L.1983, c.7 (C.45:2C-7) is amended to read as
16 follows:

17 7. No person who is not certified under this act shall practice
18 acupuncture, hold himself out as practicing acupuncture, or use a
19 title or description, including the following: C.A., Certified
20 Acupuncturist; Acupuncturist; M.D., C.A.; M.D., Certified
21 Acupuncturist; D.C., C.A.; D.C., Certified Acupuncturist; or any
22 other letters or words denoting that the person so practices
23 acupuncture. A person who is participating in an approved course of
24 study, school or tutorial program in acupuncture may practice
25 acupuncture under conditions established by the board.

26 The State Board of Medical Examiners may suspend or revoke a
27 license to practice medicine and surgery, upon proof to its
28 satisfaction that the holder thereof practiced acupuncture contrary to
29 the provisions of this act or employed a person who practiced
30 acupuncture without certification.

31 The State Board of Chiropractic Examiners may suspend or
32 revoke a license to practice chiropractic, upon proof to its
33 satisfaction that the holder thereof practiced acupuncture contrary to
34 the provisions of P.L.1983, c.7 (C.45:2C-1 et seq.) or employed a
35 person who practiced acupuncture without certification.

36 (cf: P.L.1984, c.76, s.2)

37
38 5. Section 8 of P.L.1983, c.7 (C.45:2C-8) is amended to read as
39 follows:

40 8. Nothing in this act shall be construed to prevent the practice
41 of acupuncture by a person licensed as a physician **[and]** or
42 surgeon or chiropractic physician or dentist, provided his course of
43 training has included acupuncture.

44 (cf: P.L.1983, c.7, s.8)

45
46 6. Section 9 of P.L.1983, c.7 (C.45:2C-9) is amended to read as
47 follows:

1 9. Each person desiring to obtain a certification to practice
2 acupuncture shall make application therefore to the board upon
3 such form and in such manner as the board shall prescribe and shall
4 furnish satisfactory evidence to the board that he:

5 a. Is at least 21 years of age;

6 b. Is of good moral character; and

7 c. (1) Has a baccalaureate degree and has successfully
8 completed a board approved two-year course of study or a board
9 approved two-year program of a school of acupuncture; or (2) has
10 successfully completed a board approved tutorial program in
11 acupuncture or at least three years' experience practicing
12 acupuncture within three years after the enactment of this act, which
13 is recognized by the board; or (3) is the holder of a license to
14 practice medicine and surgery or chiropractic. The application shall
15 be accompanied by the fee prescribed by the board.

16 The board shall evaluate each applicant applying for a certificate
17 to practice acupuncture and make the final determination regarding
18 each applicant's admission to the examination and the issuance or
19 denial of a certificate.

20 (cf: P.L.1984, c.76, s.3)

21
22 7. (New section) The board shall require each person licensed
23 as a chiropractor, as a condition for biennial registration, to
24 complete 24 credits of continuing chiropractic education as
25 provided in section 8 of this amendatory and supplementary act
26 during each biennial registration period. A minimum of two of the
27 24 credits shall consist of the study of State laws and regulations
28 governing chiropractic professional ethics or record keeping and
29 documentation as it pertains to the practice of chiropractic in this
30 State.

31
32 8. (New section) a. The board:

33 (1) Shall establish standards for continuing chiropractic
34 education, including, but not limited to, the subject matter and
35 content of courses of study that are taught by chiropractic schools,
36 colleges, institutions and universities or tested on for licensure;

37 (2) May accredit educational programs offering credit towards
38 the continuing chiropractic education requirements;

39 (3) May accredit other educational programs, including, but not
40 limited to educational programs offered by professional
41 organizations or societies, health care professions, schools,
42 colleges, institutions, universities or healthcare facilities;

43 (4) May allow satisfactory completion of continuing chiropractic
44 education requirements through equivalent education programs such
45 as examinations, papers, publications, scientific presentations,
46 teaching and research appointments, scientific exhibits and
47 independent study or internet courses such as distance learning,

1 including, but not limited to, video and audio tapes or internet
2 education programs; and

3 (5) Shall establish procedures for the issuance of credit upon
4 satisfactory proof of the completion of these programs.

5 b. Each 50 minutes of instruction in a board approved education
6 course or program shall be equivalent to one credit.

7

8 9. (New section) The board shall:

9 a. Establish procedures for monitoring compliance of the
10 continuing education requirements; and

11 b. Establish procedures to evaluate and grant approval to
12 providers of continuing education courses.

13

14 10. (New section) The board may, in its discretion, waive
15 requirements for continuing chiropractic education on an individual
16 basis for reasons of hardship, such as illness or disability, or other
17 good cause.

18

19 11. (New section) a. The board shall not require a new licensee
20 to complete required continuing chiropractic education credits for
21 any registration period commencing within 12 months of the
22 licensee's participation in and completion of an accredited graduate
23 chiropractic education program.

24 b. Any person who fails to complete the continuing chiropractic
25 education requirements established pursuant to section 7 of this
26 amendatory and supplementary act shall be liable to a civil penalty
27 of not more than \$500 or additional hours of continuing chiropractic
28 education, or both, as imposed by the board for a first offense. A
29 second or subsequent offense by a licensee shall be considered
30 professional misconduct.

31 c. The board shall promulgate regulations concerning continuing
32 education requirements within 365 days of the effective date of this
33 amendatory and supplementary act.

34

35 12. This act shall take effect immediately.

36

37

38 STATEMENT

39

40 This bill amends and supplements the existing laws governing
41 chiropractors. The bill adds definitions for the “practice of
42 chiropractic,” “prescription” and “subluxation.” The “practice of
43 chiropractic” is defined as the philosophy, science and healing art
44 concerned with the restoration and preservation of health and
45 wellness through the promotion of well-being, prevention of disease
46 and promotion and support of the inherent or innate recuperative
47 abilities of the body. “Prescription” is defined as a written direction
48 of remedy for a disease, illness or injury and the instructions for

1 using that remedy. "Subluxation" is defined as a complex of
2 functional, structural or pathological articular lesions or a local or
3 systemic aberration of the nervous system caused by injury,
4 pressure, traction, torsion, or by chemical or electrical irritation or
5 simulation or inhibition of a nerve that compromise neural integrity
6 and may affect normal physiological function, organ system
7 function homeostasis, wellness and general health.

8 The bill also provides that a chiropractor licensed by the State
9 Board of Chiropractic Examiners may use any method of treatment
10 of a patient for any ailment, pain, disease, injury, deformity, or
11 condition limited to, chiropractic practice methods, physical
12 medicine modalities, rehabilitation, acupuncture, electricity, water,
13 sound, light, heat or cold, splinting or bracing, nutrition and first
14 aid. A chiropractor may also perform, order and interpret any
15 method of diagnosis of any ailment, disease, pain, injury, deformity,
16 or condition. A chiropractor, however, shall not employ the use of
17 surgery as requires cutting by instruments or laser or prescribe any
18 drug or medicine, except as allowed in the bill. The bill also
19 provides that nothing in the bill shall be construed to allow
20 chiropractors to practice medicine or surgery.

21 The bill further provides that a chiropractor may order, request,
22 or prescribe generally recognized medical tests or provide dietary or
23 nutritional counseling.

24 The bill also specifies that a licensed chiropractor may use the
25 title doctor, or its abbreviation, however, it must be qualified by the
26 words doctor of chiropractic, chiropractic physician, or
27 chiropractor. Additionally, a chiropractor may use the designation
28 D.C., C.A. or D.C., Certified Acupuncturist if that chiropractor is
29 certified as an acupuncturist under N.J.S.A.45:2C-1 et seq.

30 The bill additionally requires that the board establish standards
31 for continuing chiropractic education, including, but not limited to,
32 the subject matter and content of courses of study that are taught by
33 chiropractic schools, colleges, institutions, and universities or tested
34 on for licensure. The bill further requires that licensed
35 chiropractors complete 24 credits of continuing chiropractic
36 education during each biennial registration period. A minimum of
37 two of the 24 credits must consist of the study of State laws and
38 regulations governing chiropractic professional ethics or record
39 keeping and documentation as it pertains to the practice of
40 chiropractic in this State.

41 In furtherance of the continuing education requirements, the
42 board may establish certain guidelines concerning educational
43 programs and the institutions that offer those programs. The board
44 also must establish credit guidelines for the educational programs
45 and monitor compliance of the continuing education requirements.

46 Finally, the bill establishes a civil penalty of not more than \$500
47 for any person who fails to complete the continuing education

A2029 WATSON COLEMAN

9

- 1 requirements. A second or subsequent offense is considered
- 2 professional misconduct.

ASSEMBLY REGULATED PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 2029

STATE OF NEW JERSEY

DATED: MAY 7, 2009

The Assembly Regulated Professions Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 2029.

This committee substitute amends and supplements the existing statutes governing chiropractors. The bill provides that it is within the lawful scope of the practice of chiropractic to diagnose, adjust and treat the articulations of the spinal column and other joints, articulations and soft tissue structures, and to order and administer physical modalities and therapeutic, rehabilitative and strengthening exercises.

The bill also adds definitions for the “practice of chiropractic,” “prescription” and “subluxation.” The “practice of chiropractic” is defined as the philosophy, science and healing art concerned with the restoration and preservation of health and wellness through the promotion of well-being, prevention of disease and promotion and support of the inherent or innate recuperative abilities of the body. “Prescription” is defined as a written direction of remedy for a disease, illness or injury and the instructions for using that remedy. “Subluxation” is defined as a complex of functional, structural or pathological articular lesions or a local or systemic aberration of the nervous system caused by injury, pressure, traction, stress, torsion, or by chemical or electrical irritation, stimulation, or inhibition of a nerve that compromise neural integrity.

In addition, the bill provides that a chiropractor licensed by the State Board of Chiropractic Examiners may:

(1) Use methods of treatment including chiropractic practice methods, physical medicine modalities, rehabilitation, splinting or bracing, nutrition and first aid and may order such diagnostic or analytical tests, including diagnostic imaging, bioanalytical laboratory tests, and may perform such other diagnostic and analytical diagnostic tests such as reagent strip tests, X-ray, computer-aided neuromuscular testing, and nerve conduction studies, and may interpret evoked potentials;

(2) Sign or certify temporary or permanent impairments and other certifications consistent with a chiropractic practice such as pre-participation and pre-employment physical screenings. A chiropractic

physician may use recognized medical guides in making his determination; and

(3) Provide dietary or nutritional counseling such as the direction, administration, dispensing and sale of nutritional supplements, including, but not limited to, all food concentrates, food extracts, vitamins, minerals, herbs, enzymes, amino acids, homeopathic remedies and other dietary supplements, including, but not limited to, tissue or cell salts, glandular extracts, nutraceuticals, botanicals and other nutritional supplements; provided the chiropractor has successfully completed a course of study approved by the board concerning human nutrition, consisting of not less than 45 credit hours.

The bill also specifies that a licensed chiropractor may use the title doctor, or its abbreviation, however, it must be qualified by the words doctor of chiropractic, chiropractor or chiropractic physician, or its abbreviation, D.C.

The bill further makes it unlawful for any person not duly licensed in this State to practice chiropractic to render a utilization management decision that limits, restricts or curtails a course of chiropractic care.

Furthermore, the bill amends section 11 of P.L.1989, c.153 (C.45:9-41.27) to provide that chiropractic analysis which identifies the existence of a subluxation may be the basis for chiropractic care even in the absence of a subjective complaint or other objective findings. This statute currently states that chiropractic analysis which identifies the existence of a subluxation may be the only basis for chiropractic care.

The bill additionally requires that licensed chiropractors complete 30 credits of continuing chiropractic education during each biennial registration period. A minimum of two of the 30 credits must consist of the study of State laws and regulations governing chiropractic professional ethics or record keeping and documentation as it pertains to the practice of chiropractic in this State, and a minimum of two credits shall consist of nutrition education.

In furtherance of the continuing education requirements, the board is required to establish certain guidelines concerning educational programs and the institutions that offer those programs. The board also must establish credit guidelines for the educational programs and monitor compliance of the continuing education requirements.

The bill also establishes a grace period for the initial completion of the continuing education requirements. In addition, any person who fails to complete the prescribed continuing education requirements shall be liable to a civil penalty of not more than \$500 or a designated number of additional hours of continuing chiropractic education, or both, as imposed by the State Board of Chiropractic Examiners. A second or subsequent offense by a licensed chiropractor may be considered professional misconduct.

STATEMENT TO

**ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2029**

with Assembly Floor Amendments
(Proposed by Assemblywoman WATSON COLEMAN)

ADOPTED: DECEMBER 7, 2009

These amendments remove the definition “subluxation” in the committee substitute and replace it with a definition of “chiropractic subluxation.” As defined in the amendments, “chiropractic subluxation” means a complex of functional, structural or pathological articular lesions or a local or systemic aberration of the nervous system caused by injury, pressure, traction, stress, torsion, or by chemical or electrical irritation, stimulation, or inhibition of a nerve that compromise neural integrity as determined by chiropractic analytical procedures. The definition of “practice of chiropractic” is also changed, in part, in the amendments, to state that the practice of chiropractic includes the reduction of chiropractic subluxation, and the examination, diagnosis, analysis, assessment, systems of adjustments, manipulation and treatment of the articulations and soft tissue structures of the body.

The committee substitute provided that a licensed chiropractor may sign or certify temporary or permanent impairments and other certifications consistent with a chiropractic practice such as pre-participation and pre-employment screenings. These amendments remove the reference to pre-participation screenings.

The amendments also specify that in order to provide dietary or nutritional counseling, a chiropractor shall complete a course of study from a college or university accredited by a regional or national accrediting agency recognized by the United States Department of Education and approved by the board.

In addition, these amendments stipulate that a chiropractic diagnosis or analysis shall be based upon a chiropractic examination appropriate to the presenting patient, except that a licensed chiropractor who, at any time during the examination has reasonable cause to believe symptoms or conditions are present that require diagnosis, analysis, treatment, or methods beyond the scope of chiropractic, shall refer an individual to a practitioner licensed to practice dentistry, medicine or surgery in this State or other appropriate licensed healthcare professionals. Furthermore, the amendments state that nothing contained in the aforementioned provision shall preclude a licensed chiropractor from rendering concurrent or supportive chiropractic care to any patient so referred.

STATEMENT TO

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 2029**

with Assembly Floor Amendments
(Proposed by Assemblywoman WATSON COLEMAN)

ADOPTED: JANUARY 7, 2010

These amendments stipulate that the State Board of Chiropractic Examiners shall establish standards pursuant to which a chiropractor shall maintain medical malpractice liability insurance coverage, at appropriate amounts, as set forth by the board in regulations. In addition, the amendments change the definition in the bill of the “practice of chiropractic” by specifying that such practice includes, in part, the examination, diagnosis, analysis, assessment, systems of adjustments, manipulation and treatment of soft tissue, rather than soft tissue structures, of the body. Furthermore, the amendments state that it is within the lawful scope of the practice of chiropractic, in part, to diagnose, adjust, and treat soft tissue, rather than soft tissue structures.

SENATE, No. 565

STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

Senator LORETTA WEINBERG

District 37 (Bergen)

Co-Sponsored by:

Senators Bucco, Ciesla, Van Drew and Sacco

SYNOPSIS

Permits revised methods of treatment for chiropractors and establishes continuing education requirements.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 5/8/2009)

1 AN ACT concerning the practice of chiropractic, amending various
2 parts of the statutory law and amending and supplementing
3 P.L.1989, c.153.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. R.S.45:9-14.5 is amended to read as follows:

9 45:9-14.5. a. Within the meaning of the provisions of **[sections]**
10 R.S.45:9-14.6, R.S.45:9-14.7, R.S.45:9-14.8 and R.S.45:9-14.9
11 **[hereof, and of this act, which supplements chapter nine of Title 45**
12 **of the Revised Statutes, the practice of chiropractic is defined as**
13 **follows: "A system of adjusting the articulations of the spinal**
14 **column by manipulation thereof." A licensed chiropractor shall**
15 **have the right in the examination of patients to use the**
16 **neurocalometer, X-ray, and other necessary instruments solely for**
17 **the purpose of diagnosis or analysis. No licensed chiropractor shall**
18 **use endoscopic or cutting instruments, or prescribe, administer, or**
19 **dispense drugs or medicines for any purpose whatsoever, or**
20 **perform surgical operations excepting adjustment of the**
21 **articulations of the spinal column.**

22 No person licensed to practice chiropractic shall sign any
23 certificate required by law or the State Sanitary Code concerning
24 reportable diseases, or birth, marriage or death certificates.

25 No person licensed to practice chiropractic shall use the title
26 doctor or its abbreviation in the practice of chiropractic unless it be
27 qualified by the word "chiropractor." **]** and as used in chapter 9 of
28 Title 45 of the Revised Statutes:

29 "Practice of chiropractic" means a philosophy, science and
30 healing art concerned with the restoration and preservation of health
31 and wellness through the promotion of well-being, prevention of
32 disease and promotion and support of the inherent or innate
33 recuperative abilities of the body. The practice of chiropractic
34 includes, but is not limited to, the examination, diagnosis, analysis,
35 assessment, systems of adjustments, manipulation and treatment of
36 the articulations, structures or tissues of the human and animal
37 body, particularly the spine, nervous system and related structures.

38 "Prescription" means a written direction of remedy for a disease,
39 illness or injury and the instructions for using that remedy.

40 "Subluxation" means a complex of functional, structural or
41 pathological articular lesions or a local or systemic aberration of the
42 nervous system caused by pressure, traction, torsion, or by chemical
43 or electrical irritation or stimulation or inhibition of a nerve that
44 compromise neural integrity and may affect normal physiological

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 function, organ system function homeostasis, wellness and general
2 health.
- 3 b. A chiropractor licensed by the State Board of Chiropractic
4 Examiners may:
- 5 (1) Use any method of treatment except the use of surgery as
6 requires cutting, or the prescription of any drug or medicine, except
7 all food concentrates, food extracts, vitamins, minerals, herbs,
8 enzymes, amino acids, homeopathic remedies, and other dietary
9 supplements, including, but not limited to, tissue or cell salts,
10 glandular extracts, nutraceuticals, botanicals and other nutritional
11 supplements, for any ailment, pain, disease, injury, deformity,
12 mental or physical condition, including, but not limited to,
13 chiropractic practice methods, physical medicine modalities,
14 rehabilitation, acupuncture, electricity, water, sound, light, heat or
15 cold, splinting or bracing, nutrition and first aid, and may also
16 perform, order and interpret any method of diagnosis or analysis of
17 any ailment, disease, pain, injury, deformity, mental or physical
18 condition, including, but not limited to, x-ray, motion x-ray, bone
19 scan, computer-aided imaging, computer-aided neuromuscular
20 testing, electrodiagnostic testing, including, but limited to
21 electromyography (EMG), nerve conduction studies (NCV), evoked
22 potential studies and the taking of samples for bio-analytical
23 laboratory tests, so long as the methods of treatment or diagnoses or
24 analysis were:
- 25 (a) taught in any chiropractic college approved by the State
26 Board of Chiropractic Examiners;
- 27 (b) taught at a State Board of Chiropractic Examiners' approved
28 postgraduate course in association with an approved chiropractic
29 college;
- 30 (c) taught in a certificate course approved by the State Board of
31 Chiropractic Examiners; or
- 32 (d) approved by the State Board of Chiropractic Examiners.
- 33 (2) Order, request, or prescribe any other generally recognized
34 medical test for the purpose of diagnosis or analysis.
- 35 (3) Provide dietary or nutritional counseling, including, but not
36 limited to, the prescription, administration, dispensing and sale of
37 nutritional supplements, including, but not limited to, all food
38 concentrates, food extracts, vitamins, minerals, herbs, enzymes,
39 amino acids, homeopathic remedies and other dietary supplements,
40 including, but not limited to, tissue or cell salts, glandular extracts,
41 nutraceuticals, botanicals and other nutritional supplements.
- 42 (4) Supervise, coordinate, prescribe or provide for other aspects
43 of his patients' complete health and well-being concordant with his
44 training within the parameters set forth in this amendatory and
45 supplementary act.
- 46 (5) Sign or certify temporary or permanent impairments and
47 other certifications consistent with a chiropractic practice.

1 including, but not limited to, school and pre-employment physicals.
2 A chiropractic physician may use recognized medical guides in
3 making his determination.

4 c. It shall be unlawful for any person, not duly licensed in this
5 State to practice chiropractic, to use terms, titles, words or letters
6 which would designate or imply that he or she is qualified to
7 practice chiropractic [, or to hold himself or herself out as being
8 able to practice chiropractic, or offer or attempt to practice
9 chiropractic] or render a clinical opinion that limits, restricts or
10 curtails a course of chiropractic care.

11 d. Notwithstanding any other law or regulation to the contrary,
12 no person, other than a chiropractor licensed by the State Board of
13 Chiropractic Examiners pursuant to P.L.1989, c.153 (C.45:9-41.17
14 et seq.) shall perform a spinal adjustment on an individual to correct
15 a subluxation.

16 (cf: P.L.1953, c.233, s.3)

17

18 2. Section 46 of P.L.1991, c.187 (C.45:9-22.11) is amended to
19 read as follows:

20 46. A physician shall not dispense more than a seven-day supply
21 of drugs or medicines to any patient. The drugs or medicines shall
22 be dispensed at or below the cost the physician has paid for the
23 particular drug or medicine, plus an administrative cost not to
24 exceed 10% of the cost of the drug or medicine.

25 The provisions of this section shall not apply to a physician:

26 a. who dispenses drugs or medicines in a hospital emergency
27 room, a student health center at an institution of higher education,
28 or a publicly subsidized community health center, family planning
29 clinic or prenatal clinic, if the drugs or medicines that are dispensed
30 are directly related to the services provided at the facility;

31 b. whose practice is situated 10 miles or more from a licensed
32 pharmacy;

33 c. when he dispenses allergenic extracts and injectables;

34 d. when he dispenses drugs pursuant to an oncological or AIDS
35 protocol; or

36 e. when he dispenses salves, ointments or drops.

37 The provisions of this section shall not apply to a licensed
38 chiropractic physician who dispenses food concentrates, food
39 extracts, vitamins, minerals, herbs, enzymes, amino acids, tissue or
40 cell salts, glandular extracts, nutraceuticals, botanicals,
41 homeopathic remedies, and other nutritional supplements.

42 (cf: P.L.1991, c.187, s.46)

43

44 3. Section 3 of P.L.1989, c.153 (C.45:9-41.19) is amended to
45 read as follows:

46 3. As used in [this act, sections 19, 20 and 24 of P.L.1939,
47 c.115 (C.45:9-14.5, C.45:9-14.6 and C.45:9-14.10)] P.L.1989,

1 c.153 (C.45-41.17 et seq.), R.S.45:9-14.5, R.S.45:9-14.6, R.S.45:9-
2 14.10, and P.L.1953, c.233 (C.45:9-41.5 et al.):

3 a. "Board" means the State Board of Chiropractic Examiners
4 created pursuant to section 4 of **[this act]** P.L.1989, c.153 (C.45:9-
5 41.20 et seq.).

6 b. "Doctor of Chiropractic," "Chiropractor" or "Chiropractic
7 Physician" means a person trained and qualified in the discipline of
8 chiropractic whose license is in force and not suspended or revoked
9 at the time in question.

10 A doctor of chiropractic, chiropractor or chiropractic physician
11 shall also mean a physician with only those express limitations on
12 his license as defined in R.S.45:9-14.5, R.S.45:9-14.6, R.S.45:9-
13 14.10 and section 3 of P.L.1990, c.68 (C.45:9-14.5a).

14 A person licensed to practice chiropractic may use the title
15 doctor, or its abbreviation, in the practice of chiropractic, however,
16 it must be qualified by the words doctor of chiropractic,
17 chiropractor or chiropractic physician or its abbreviation, D.C. The
18 use of the title doctor of chiropractic, chiropractic physician,
19 chiropractor, or its abbreviation, D.C., may be used
20 interchangeably.

21 (cf: P.L.1989, c.153, s.3)

22

23 4. Section 7 of P.L.1983, c.7 (C.45:2C-7) is amended to read as
24 follows:

25 7. No person who is not certified under this act shall practice
26 acupuncture, hold himself out as practicing acupuncture, or use a
27 title or description, including the following: C.A., Certified
28 Acupuncturist; Acupuncturist; M.D., C.A.; M.D., Certified
29 Acupuncturist; D.C., C.A.; D.C., Certified Acupuncturist; or any
30 other letters or words denoting that the person so practices
31 acupuncture. A person who is participating in an approved course of
32 study, school or tutorial program in acupuncture may practice
33 acupuncture under conditions established by the board.

34 The State Board of Medical Examiners may suspend or revoke a
35 license to practice medicine and surgery, upon proof to its
36 satisfaction that the holder thereof practiced acupuncture contrary to
37 the provisions of this act or employed a person who practiced
38 acupuncture without certification.

39 The State Board of Chiropractic Examiners may suspend or
40 revoke a license to practice chiropractic, upon proof to its
41 satisfaction that the holder thereof practiced acupuncture contrary to
42 the provisions of P.L.1983, c.7 (C.45:2C-1 et seq.) or employed a
43 person who practiced acupuncture without certification.

44 (cf: P.L.1984, c.76, s.2)

45

46 5. Section 8 of P.L.1983, c.7 (C.45:2C-8) is amended to read as
47 follows:

1 8. Nothing in this act shall be construed to prevent the practice
2 of acupuncture by a person licensed as a physician **[and]** or
3 surgeon or chiropractic physician or dentist, provided his course of
4 training has included acupuncture.

5 (cf: P.L.1983, c.7, s.8)

6
7 6. Section 9 of P.L.1983, c.7 (C.45:2C-9) is amended to read as
8 follows:

9 9. Each person desiring to obtain a certification to practice
10 acupuncture shall make application therefore to the board upon
11 such form and in such manner as the board shall prescribe and shall
12 furnish satisfactory evidence to the board that he:

13 a. Is at least 21 years of age;

14 b. Is of good moral character; and

15 c. (1) Has a baccalaureate degree and has successfully completed
16 a board approved two-year course of study or a board approved
17 two-year program of a school of acupuncture; or (2) has
18 successfully completed a board approved tutorial program in
19 acupuncture or at least three years' experience practicing
20 acupuncture within three years after the enactment of this act, which
21 is recognized by the board; or (3) is the holder of a license to
22 practice medicine and surgery or chiropractic. The application shall
23 be accompanied by the fee prescribed by the board.

24 The board shall evaluate each applicant applying for a certificate
25 to practice acupuncture and make the final determination regarding
26 each applicant's admission to the examination and the issuance or
27 denial of a certificate.

28 (cf: P.L.1984, c.76, s.3)

29
30 7. (New section) The board shall require each person licensed
31 as a chiropractor, as a condition for biennial registration, to
32 complete 24 credits of continuing chiropractic education as
33 provided in section 8 of this amendatory and supplementary act
34 during each biennial registration period. A minimum of two of the
35 24 credits shall consist of the study of State laws and regulations
36 governing chiropractic professional ethics or record keeping and
37 documentation as it pertains to the practice of chiropractic in this
38 State.

39
40 8. (New section) a. The board shall:

41 (1) Establish standards for continuing chiropractic education,
42 including, but not limited to, the subject matter and content of
43 courses of study that are taught by chiropractic schools, colleges,
44 institutions and universities or tested on for licensure. The
45 standards shall not restrict or limit educational programs pertaining
46 to the science, art or philosophy of chiropractic;

- 1 (2) Accredite educational programs offering credit towards the
2 continuing chiropractic education requirements that are approved,
3 sponsored or conducted by any board approved chiropractic school,
4 chiropractic college, chiropractic institution or chiropractic
5 university;
- 6 (3) Accredite other educational programs, including, but not
7 limited to educational programs offered by professional
8 organizations or societies, health care professions, schools,
9 colleges, institutions, universities or healthcare facilities approved
10 by the board;
- 11 (4) Allow satisfactory completion of continuing chiropractic
12 education requirements through equivalent education programs such
13 as examinations, papers, publications, scientific presentations,
14 teaching and research appointments, scientific exhibits and
15 independent study or internet courses such as distance learning,
16 including, but not limited to, video and audio tapes or internet
17 education programs; and
- 18 (5) Establish procedures for the issuance of credit upon
19 satisfactory proof of the completion of these programs.
- 20 b. Each 50 minutes of instruction in a board approved education
21 course or program shall be equivalent to one credit.
- 22
- 23 9. (New section) The board shall:
- 24 a. Establish procedures for monitoring compliance of the
25 continuing education requirements; and
- 26 b. Establish procedures to evaluate and grant approval to
27 providers of continuing education courses.
- 28
- 29 10. (New section) The board may, in its discretion, waive
30 requirements for continuing chiropractic education on an individual
31 basis for reasons of hardship, such as illness or disability,
32 retirement of the license, or other good cause.
- 33
- 34 11. (New section) a. The board shall not require a new licensee
35 to complete required continuing chiropractic education credits for
36 any registration period commencing within 12 months of the
37 licensee's participation in and completion of an accredited graduate
38 chiropractic education program.
- 39 b. The board shall not require completion of continuing
40 chiropractic education credits for any registration periods
41 commencing within 12 months of the adoption of regulations under
42 this amendatory and supplementary act.
- 43 c. The board shall require completion of continuing chiropractic
44 education credits on a pro rata basis for any registration periods
45 commencing more than 12 but less than 24 months following the
46 adoption of regulations under this amendatory and supplementary
47 act.

1 d. Any person who fails to complete the continuing chiropractic
2 education requirements established pursuant to section 7 of this
3 amendatory and supplementary act shall be liable to a civil penalty
4 of not more than \$500 or additional hours of continuing chiropractic
5 education, or both, as imposed by the board for a first offense. A
6 second or subsequent offense by a licensee shall be considered
7 professional misconduct.

8 e. The board shall promulgate regulations concerning continuing
9 education requirements within 180 days of the effective of this
10 amendatory and supplementary act.

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12 12. This act shall take effect on the first day of the twelfth
13 month following enactment.

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STATEMENT

17

18 This bill amends and supplements the existing laws governing
19 chiropractors. Specifically, the bill adds definitions for the
20 “practice of chiropractic,” “prescription” and “subluxation.” The
21 “practice of chiropractic” is defined as the philosophy, science and
22 healing art concerned with the restoration and preservation of health
23 and wellness through the promotion of well-being, prevention of
24 disease and promotion and support of the inherent or innate
25 recuperative abilities of the body. “Prescription” is defined as a
26 written direction of remedy for a disease, illness or injury and the
27 instructions for using that remedy. “Subluxation” is defined as a
28 complex of functional, structural or pathological articular lesions or
29 a local or systemic aberration of the nervous system caused by
30 pressure, traction, torsion, or by chemical or electrical irritation or
31 simulation or inhibition of a nerve that compromise neural integrity
32 and may affect normal physiological function, organ system
33 function homeostasis, wellness and general health.

34 The bill also provides that a chiropractor licensed by the State
35 Board of Chiropractic Examiners may use any method of treatment
36 of a patient, except the use of surgical cutting, so long as the
37 methods of treatment or diagnoses or analysis were: (1) taught in
38 any chiropractic college approved by the board; (2) taught as a
39 postgraduate course in association with an approved chiropractic
40 college; (3) taught in a certificate course approved by the board; or
41 (4) approved by the board.

42 The bill further provides that a chiropractor may order, request,
43 or prescribe generally recognized medical tests or provide dietary or
44 nutritional counseling.

45 The bill also specifies that a licensed chiropractor may use the
46 title doctor, or its abbreviation, however, it must be qualified by the
47 words doctor of chiropractic. Additionally, a chiropractor may use

1 the designation D.C., C.A. or D.C., Certified Acupuncturist if that
2 chiropractor is certified as an acupuncturist under N.J.S.A. 45:2C-1
3 et seq.

4 The bill additionally requires that licensed chiropractors
5 complete 24 credits of continuing chiropractic education during
6 each biennial registration period. A minimum of two of the 24
7 credits must consist of the study of State laws and regulations
8 governing chiropractic professional ethics or record keeping and
9 documentation as it pertains to the practice of chiropractic in this
10 State.

11 In furtherance of the continuing education requirements, the
12 board is required to establish certain guidelines concerning
13 educational programs and the institutions that offer those programs.
14 The board also must establish credit guidelines for the educational
15 programs and monitor compliance of the continuing education
16 requirements.

17 Finally, the bill establishes a grace period for the initial
18 completion of the continuing education requirements and
19 establishes a civil penalty of not more than \$500 for any person
20 who fails to complete those requirements. A second or subsequent
21 offense is considered professional misconduct.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 565**

STATE OF NEW JERSEY

DATED: DECEMBER 14, 2009

The Senate Commerce Committee reports Senate Committee Substitute for Senate Bill No. 565 without recommendation.

This committee substitute amends and supplements the existing statutes governing chiropractors, and includes provisions concerning their scope of practice and licensing standards. The substitute bill provides generally that it is within the lawful scope of the practice of chiropractic to “diagnose, adjust, and treat the articulations of the spinal column and other joints, articulations, and soft tissue and to order and administer physical modalities and therapeutic, rehabilitative and strengthening exercises.” The bill also specifies that a licensed chiropractor may use the title doctor, or its abbreviation, however, it shall be qualified by the words doctor of chiropractic, chiropractor or chiropractic physician, or its abbreviation, D.C.

Regarding the scope of practice, the bill adds definitions for the “practice of chiropractic,” “prescription” and “chiropractic subluxation.” The “practice of chiropractic” is defined as a philosophy, science and healing art concerned with the restoration and preservation of health and wellness through the promotion of well-being, prevention of disease and promotion and support of the inherent or innate recuperative abilities of the body. “Prescription” is defined as a written direction of remedy for a disease, illness or injury and the instructions for using that remedy. “Chiropractic subluxation” is defined as a complex of functional, structural or pathological articular lesions or a local or systemic aberration of the nervous system caused by injury, pressure, traction, stress, torsion, or by chemical or electrical irritation, stimulation, or inhibition of a nerve that compromise neural integrity as determined by chiropractic analytical procedures.

The bill provides that a chiropractor licensed by the State Board of Chiropractic Examiners may:

(1) Use methods of treatment including chiropractic practice methods, physical medicine modalities, rehabilitation, splinting or bracing consistent with the practice of chiropractic, nutrition and first aid and may order such diagnostic or analytical tests, including diagnostic imaging, bioanalytical laboratory tests, and may perform such other diagnostic and analytical diagnostic tests including reagent

strip tests, X-ray, computer-aided neuromuscular testing, and nerve conduction studies, and may interpret evoked potentials;

(2) Sign or certify temporary or permanent impairments and other certifications consistent with a chiropractic practice such as pre-employment screenings; and

(3) Provide dietary or nutritional counseling, such as the direction, administration, dispensing and sale of nutritional supplements, including, but not limited to, all food concentrates, food extracts, vitamins, minerals, herbs, enzymes, amino acids, homeopathic remedies and other dietary supplements, including, but not limited to, tissue or cell salts, glandular extracts, nutraceuticals, botanicals and other nutritional supplements; provided the chiropractor has successfully completed a course of study approved by the board concerning human nutrition, consisting of not less than 45 hours from an appropriately accredited college or university.

The above activities shall be subject to the requirement that any chiropractic diagnosis or analysis be based upon a chiropractic examination appropriate to the presenting patient, except that a licensed chiropractor who, at any time during the examination has reasonable cause to believe symptoms or conditions are present that require diagnosis, analysis, treatment, or methods beyond the scope of chiropractic shall refer an individual to a practitioner licensed to practice dentistry, medicine or surgery in this State or other appropriate licensed healthcare professional. However, this shall not preclude a licensed chiropractor from rendering concurrent or supportive chiropractic care to any patient so referred.

In further regards to the scope of practice, the bill provides that a chiropractic analysis which identifies the existence of a chiropractic subluxation may be the basis for chiropractic care, even in the absence of a subjective complaint or other objective findings. The current law is more narrow, stating that a chiropractic analysis which identifies the existence of a subluxation may be the only basis for chiropractic care.

The bill also makes it unlawful for any person not duly licensed in this State to practice chiropractic to render a utilization management decision that limits, restricts or curtails a course of chiropractic care. The intent of the provisions concerning utilization management is for insurance purposes only. Further, the intent is not to render the current utilization management system moot but to require the inclusion of a chiropractor when making a utilization management determination with respect to chiropractic care.

Concerning the licensure requirements of chiropractors, the bill requires that licensed chiropractors complete 30 credits of continuing chiropractic education during each biennial registration period. A minimum of two of the 30 credits must consist of the study of State laws and regulations governing chiropractic professional ethics or record keeping and documentation as it pertains to the practice of

chiropractic in this State, and a minimum of two credits shall consist of nutrition education.

The board shall establish certain guidelines concerning continuing educational programs and the institutions that offer those programs. The board shall also establish credit guidelines for the educational programs and monitor compliance of the continuing education requirements.

Any person who fails to complete the prescribed continuing education requirements set forth in the bill shall be liable to a civil penalty of not more than \$500 or a designated number of additional hours of continuing chiropractic education, or both, as imposed by the State Board of Chiropractic Examiners for a first offense. A second or subsequent offense by a licensed chiropractor may be considered professional misconduct.

Finally, the bill requires that the board establish standards pursuant to which a chiropractor shall maintain medical malpractice liability insurance coverage, at appropriate amounts, as set forth by the board in regulations.