

45: 9-41.17

LEGISLATIVE HISTORY CHECKLIST

NJSA: 45:9-41.17 et al

(Chiropractic  
examiners--State  
Board of--  
Establish in DCA)

LAWS OF: 1989

CHAPTER: 153

Bill No: S216

Sponsor(s): Di Francesco

Date Introduced: Pre-filed

Committee: Assembly: Higher Education

Senate: Labor, Industry & Professions

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: June 19, 1989

Senate: January 23, 1989

Date of Approval: August 11, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

See newspaper clippings--attached:

"Kean selects 10 for chiropractic board," 8-22-89 Asbury Park Press

"Chiropractic checkup," 8-27-89 Star Ledger

DEPOSITORY COPY  
Do Not Remove From Library

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Senator DiFRANCESCO

2 AN ACT establishing a State Board of Chiropractic Examiners in  
the Division of Consumer Affairs in the Department of Law  
and Public Safety, requiring the licensing of chiropractors by  
4 that board and revising parts of the statutory law.

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

8 1. (New Section) This act shall be known any may be cited as  
the "Chiropractic Board Act."

10 2. (New Section) The Legislature finds and declares that it is  
a valid public purpose to establish a separate board to regulate  
12 the practice of chiropractic in this State to properly protect the  
citizenry who receive the services of a chiropractor by  
14 maintaining and ensuring standards of competency and integrity  
of the profession and preventing unsafe, fraudulent or deceptive  
16 practices which may damage the health of those citizens, as  
well as the reputation of the profession in this State.

18 3. (New Section) As used in this act, sections 19, 20 and 24 of  
P.L.1939, c.115 (C.45:9-14.5, C.45.9-14.6 and C.45:9-14.10) and  
20 P.L.1953, c.233 (C.45:9-41.5 et al):

a. "Board" means the State Board of Chiropractic Examiners  
22 created pursuant to section 4 of this act.

b. "Chiropractor" means a person trained and qualified in the  
24 discipline of chiropractic whose license is in force and not  
suspended or revoked at the time in question.

26 4. (New section) There is created within the Division of  
Consumer Affairs in the Department of Law and Public Safety  
28 the State Board of Chiropractic Examiners. The board shall  
consist of 11 members who are residents of the State, two of  
30 whom shall be public members and one of whom shall be a State  
executive department member appointed pursuant to the  
32 provisions of P.L.1971, c.60 (C.45:1-2.1 et seq.). The remaining  
eight members shall be licensed chiropractors who have been

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:

<sup>1</sup> Senate SLI committee amendments adopted May 19, 1988.

<sup>2</sup> Senate floor amendments adopted December 8, 1988.

<sup>3</sup> Senate floor amendments adopted December 19, 1988.

<sup>4</sup> Assembly AHE committee amendments adopted May 18, 1989.

2 actively engaged in the practice of chiropractic in this State for  
at least five years immediately preceding their appointment.

4 The Governor shall appoint each member, other than the State  
executive department member, with the advice and consent of  
6 the Senate, for a term of three years, except that three of the  
initial chiropractic members of the board shall consist of the  
8 incumbent chiropractic member of the State Board of Medical  
Examiners, who shall serve until the expiration of his current  
term as a chiropractic member, and the two incumbent  
10 chiropractic assistants of the State Board of Medical Examiners,  
each of whom shall serve until the expiration of his current term  
12 as a chiropractic assistant, and except that of the remaining  
five chiropractic members first appointed, two shall serve for  
14 terms of three years, two shall serve for terms of two years and  
one shall serve for a term of one year. Each member shall hold  
16 office until his successor has been qualified. Any vacancy in the  
membership of the board shall be filled for the unexpired term  
18 in the manner provided for the original appointment. No  
member of the board may serve more than two successive terms  
20 in addition to any unexpired term to which he has been  
appointed.

22 5. (New section) Members of the board shall be compensated  
and reimbursed for expenses and provided with office and  
24 meeting facilities pursuant to section 2 of P.L.1977, c.285  
(C.45:1-2.5).

26 6. (New section) The board shall annually elect from among  
its members a president, vice-president, secretary and  
28 treasurer. The board shall meet at least four times per year and  
may hold additional meetings as necessary to discharge its  
30 duties.

7. (New section) The board shall:

- 32 a. Appoint and prescribe the duties of an executive  
secretary. The executive secretary shall serve at its pleasure;
- 34 b. Review the qualifications of applicants for licensure;
- c. Insure the proper conduct and standards of examinations;
- 36 d. Issue and renew annual licenses for chiropractors pursuant  
to this act, sections 19, 20 and 24 of P.L.1939, c.115  
38 (C.45:9-14.5, C.45:9-14.6 and C.45:9-14.10) and P.L.1953, c.233  
4[(C.45:9-41.5 et seq.)] (C.45:9-41.5 et al.)<sup>4</sup>;

2 e. Refuse to admit a person to an examination, or refuse to  
issue a license, or suspend, revoke or fail to renew the license of  
4 a chiropractor pursuant to the provisions of P.L.1978, c.73  
4<sup>4</sup>[(C.45:1-14 et al)] (C.45:1-14 et seq.)<sup>4</sup>;

6 f. Maintain a record of chiropractors licensed in this State,  
their places of business, places <sup>4</sup>[or] of<sup>4</sup> residence and the date  
and number of their licenses;

8 g. Prescribe or change the charges for examinations,  
licensures, renewals and other services it performs pursuant to  
10 P.L.1974, c.46 (C.45:1-3.1 et seq.);

12 h. Adopt and promulgate rules and regulations pursuant to the  
"Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
14 sections<sup>4</sup> 19, 20 and 24 of P.L.1939, c.115 (C.45:9-14.5,  
C.45:9-14.6 and C.45:9-14.10) and P.L.1953, c.233 (C.45:9-41.5  
16 et al.).

18 8. (New section) All records of the State Board of Medical  
Examiners relating to the practice of chiropractic shall be  
20 transferred to the State Board of Chiropractic Examiners, and  
the State board of Chiropractic Examiners is empowered to take  
over and complete all unfinished undertakings of the State Board  
22 of Medical Examiners concerning the practice of chiropractic.

24 9. (New section) All jurisdiction, powers, duties and  
responsibilities heretofore vested in the State Board of Medical  
26 Examiners with respect to the practice of chiropractic and the  
granting, suspension or revocation of licenses of chiropractors  
28 under chapter 9 of Title 45 of the Revised Statutes shall be  
immediately transferred to and vested in the State Board of  
30 Chiropractic Examiners created by this act, which board shall  
hereafter govern the practice of chiropractic in this State in  
accordance with all applicable laws.

32 10. (New section) Laws of this State relating to the practice  
of chiropractic and not amended by, or inconsistent with, this  
34 act shall remain in effect. Chiropractic licenses heretofore  
issued shall be unaffected by this act.

36 11. (New section) <sup>2</sup>[This act shall not affect the orders, rules  
and regulations concerning chiropractors, the practice of  
38 chiropractic or the provision of services to chiropractors or  
their patients heretofore made or promulgated by the State

Board of Medical Examiners consistent with the purposes and provisions of this act.]<sup>2</sup> The scope of practice of chiropractic shall remain as defined in existing statutes <sup>2</sup>[as heretofore interpreted by orders, rules and regulations of the State Board of Medical Examiners, which scope of practice shall not be reduced by the board established by this act] . Nothing in this act shall be deemed to prohibit a chiropractor from caring for chiropractic subluxation as determined by chiropractic analytical procedures. Chiropractic analysis which identifies the existence of a subluxation may be the only basis for chiropractic care<sup>2</sup>.

<sup>1</sup>12. (New section) The Legislature finds and declares that within the chiropractic profession there exists different philosophies of practice, that properly trained and licensed adherents of all philosophies should be allowed to practice and educate the public and that students who graduate from properly accredited schools, institutions or colleges teaching each philosophy should be admitted to examination for licensure without being hindered.<sup>1</sup>

<sup>1</sup>[12.] 13.<sup>1</sup> Section 9 of P.L.1953, c.233 (C.45:9-41.6) is amended to read as follows:

9. [The president of the board shall appoint a committee consisting of one physician and two chiropractors, the latter to be selected from among the chiropractic members of the board and the two chiropractors appointed by the Governor under section 45:9-1 of the Revised Statutes, whose duty it shall be to recommend to the board with respect to approval of the aforementioned school of chiropractic.] The board shall <sup>3</sup>[approve schools, institutions or colleges of chiropractic using standards and requirements it shall promulgate <sup>1</sup>, except that the board shall]<sup>3</sup> accept as an applicant for licensure as a chiropractor any individual who has graduated from a school, institution or college of chiropractic which was approved during the individual's entire course of study by <sup>3</sup>the board, and accredited by<sup>3</sup> the Council of Chiropractic Education <sup>3</sup>, or the Straight Chiropractic Academic Standards Association,<sup>3</sup> or other accrediting agency <sup>3</sup>[with equivalent credentials<sup>1</sup>] approved by the United States Department of Education<sup>3</sup>.

<sup>3</sup>[For purposes contained in this act the requirements for

2 approval of a school, institution or college of chiropractic shall  
not be less than those adopted on July 24, 1940, by the New  
4 Jersey State Board of Medical Examiners for an acceptable  
school or college teaching chiropractic, with the exception that  
6 the following language shall be deleted from said requirements  
now on file with the New Jersey State Board of Medical  
Examiners:

8 "The staff should include at least two qualified physicians  
licensed as M.D.'s in New Jersey or in the state where the  
10 school functions." ] 4The board, in approving a school,  
institution or college of chiropractic, shall consult with and take  
12 into consideration the standards suggested by the Council of  
Chiropractic Education, the Straight Chiropractic Academic  
14 Standards Association, or other accrediting agency approved by  
the United States Department of Education.<sup>4</sup>

16 Board approval of a school, institution or college of  
chiropractic accredited by the Council of Chiropractic  
18 Education, the Straight Chiropractic Academic Standards  
Association, or other accrediting agency approved by the United  
20 States Department of Education shall be based upon the  
standards set forth below and may include an on site inspection.

22 a. Organization: The chiropractic school, institution or  
college shall be incorporated as a nonprofit institution of  
24 learning and shall be lawfully chartered to grant the degree of  
Doctor of Chiropractic within the state of its residence.

26 b. Faculty:

(1) The basic science division and each department within the  
28 division shall be headed by a person possessing at least a Master  
of Science degree.

30 (2) Each member of the chiropractic science division shall be  
headed by a person possessing a degree of Doctor of  
32 Chiropractic and shall be eligible for licensure within the state  
in which the school, institution or college is located.

34 c. Plant:

(1) The school, institution or college shall have sufficient  
36 space to provide lecture rooms, laboratories, library,  
administrative and faculty offices, as well as out-patient clinics  
38 for men and women.

(2) The library shall be headed by a full-time librarian with a

2 degree in library science, and shall consist of at least 10,000  
3 volumes whose quality reflects current knowledge in the field.

4 (3) There shall be a medical museum containing sufficient  
5 pathological, embryological, histological and anatomical  
6 specimens to augment the teaching of related subjects.

7 (4) There shall be sufficient, useful auxiliary equipment  
8 sufficient for the teaching of the student body, such as  
9 mannikins, charts, skeletons, models, projectors, microscopes,  
10 adjusting tables and other equipment peculiar to the teaching of  
11 chiropractic.

12 d. Clinical facilities: Each school, institution or college of  
13 chiropractic shall operate a general chiropractic clinic or clinics  
14 in which the student shall gain clinical chiropractic practice  
15 with patients with chiropractic case management, which shall  
16 include the chiropractic clinical aspects of the courses which  
17 are required in the curriculum, for a proper understanding of the  
18 knowledge gained from the classroom and laboratory  
19 instruction. The clinic shall include proper experience in various  
20 aspects of patient examination for the purpose of determining  
21 the appropriateness of chiropractic care. Clinical instruction  
22 shall encourage the student to refer patients to doctors in the  
23 practice of medicine when impressions obtained as a result of  
24 chiropractic examination indicate a consultation is in the  
25 patient's best interest.

26 e. Resources: The school shall have sufficient resources to  
27 ensure financial stability and continuous operation.

28 f. Administration: There shall be responsible supervision of  
29 the entire school by the dean or other executive officer who, by  
30 training and experience, is qualified to interpret the prevailing  
31 standards in chiropractic and therapeutic education and who  
32 shall possess sufficient authority to integrate such standards  
33 into the school's, institution's or college's curriculum.

34 g. Records: There shall be a comprehensive system of  
35 records showing conveniently and in detail the credentials,  
36 grades and accounts of the students, by means of which an exact  
37 knowledge of each student's work can be obtained. Records  
38 shall also be kept showing the clinical work of each student and  
39 attendance. Except for good cause, such as illness, no credit  
40 shall be given for any course when the attendance has been less

2 than 80% of full time, or when the student fails to satisfactorily  
complete course requirements.

4 h. Requirement for admission: Prior to commencing a course  
of study in the approved school, institution or college of  
6 chiropractic, the student shall have successfully completed at  
least two years of study in a school or college of arts and  
8 sciences accredited or recognized by the New Jersey State  
Department of Education, no less than 1½ years of which shall  
10 have been completed prior to commencing his course of study in  
the approved school of chiropractic pursuant to the provisions  
of section 10 of P.L.1953, c.233 (C.45:9-41.7).

12 i. Publications: The school, institution or college shall issue,  
at least annually, a bulletin setting forth the nature and content  
14 of the courses of study offered. Such announcements shall  
contain a list of the faculty with their respective qualifications,  
16 academic degree received and the name of the degree-granting  
school, institution or college. The courses available should be  
18 set forth by departments (anatomy, physiology, pathology, etc.)  
showing for each course its contents, character, number of  
20 hours, etc. Information should be given regarding entrance  
requirements, tuition and other fees.

22 j. Curriculum: The entire course of four years shall consist  
of 3,600 to 4,400 class hours of not less than 45 minutes each,  
24 distributed from 900 to 1,100 hours per year, and shall be  
grouped as set forth in the following schedule. Each group is to  
26 be allotted approximately the percentage of the whole number  
of hours in the course as follows:

	<u>Subject</u>	<u>Percentage of Total</u>
30	<u>1. Anatomy, including dissection wherever</u> <u>possible, embryology and histology</u>	<u>25%</u>
32	<u>2. Principles of Chiropractic</u>	<u>37½%</u>
	<u>3. Physiology</u>	<u>6¼%</u>
34	<u>4. Diagnosis and Symptomatology</u>	<u>7½%</u>
	<u>5. Pathology, Bacteriology and Laboratory</u> <u>Technique</u>	<u>8¾%</u>
36	<u>6. Chemistry</u>	<u>2½%</u>
38	<u>7. Neurology</u>	<u>5%</u>



	<u>8. Hygiene</u>	<u>1¼%</u>
2	<u>9. Jurisprudence</u>	<u>1¼%</u>
4	<u>10. Gynecology, Obstetrics, Spinography, Endocrinology, Dermatology, Pediatrics, Special Sense</u>	

6 100%<sup>3</sup>

(cf: P.L.1953, c.233, s.9)

8 <sup>1</sup>[13.] 14.<sup>1</sup> Section 11 of P.L.1953, c.233 (C.45:9-41.8) is amended to read as follows:

10 11. [For the purposes set forth in sections 5 to 10, inclusive, of  
this act, and for the purpose of obtaining a license by reciprocity  
12 under section 13 of this act, the procedure for applying for admission  
to any examination, or for license by reciprocity, shall be the same  
14 as that provided in section 45:9-6 of the Revised Statutes.] Each  
applicant for licensure as a chiropractor shall submit to the Board of  
16 Chiropractic Examiners, on a form prescribed by the board,  
satisfactory evidence of his qualifications as prescribed by P.L.1953,  
18 c.233 (C.45:9-41.5 et al).

The form and content of any examination of applicants for a  
20 license to practice chiropractic in New Jersey hereunder shall be  
prepared by the board [in consultation with, and with the approval of,  
22 the chiropractic member of the board and the two chiropractors  
appointed pursuant to the last paragraph of section 45:9-1 of the  
24 Revised Statutes as herein amended].

(cf: P.L.1954, c.190, s.1)

26 <sup>1</sup>[14.] 15.<sup>1</sup> Section 13 of P.L.1953, c.233 (C.45:9-41.10) is amended to read as follows:

28 13. Any applicant for a license to practice chiropractic under  
section ["ten"] 10 of [this act] P.L.1953, c.233 (C.45:9-41.7) upon  
30 providing that he has been examined and licensed to practice  
chiropractic by the examining and licensing board of another state of  
32 the United States having requirements for examination and licensure  
equivalent to those required under section ["eight"] 8 of [this act]  
34 P.L.1953, c.233 (C.45:9-41.5), or upon certification by the National  
Board or Chiropractic Examiners, may, in the discretion of the State  
36 Board of [Medical] Chiropractic Examiners, be granted a license to  
practice chiropractic without further examination upon payment to  
38 the treasurer of the State Board of [Medical] Chiropractic Examiners  
of a license fee of one hundred dollars (\$100.00); provided, such

applicant shall furnish proof that he fulfills the requirements  
2 demanded in the other sections of [this act] P.L.1953, c.233  
(C.45:9-41.5 et al) relating to applicants for admission by  
4 examination. In any such application for a license without  
examination all questions of academic requirements of other states  
6 shall be determined by the Commissioner of Education of this State.  
(cf: P.L.1953, c.233 s.13)

8 <sup>1</sup>[15.] 16.<sup>1</sup> Section 19 of P.L.1953, c.233 (C.45:9-41.12) is  
amended to read as follows:

10 19. As used in [this act] P.L.1953, c.233 (C.45:9-41.5 et al) the  
term "board" means the State Board of [Medical] Chiropractic  
12 Examiners in the Division of [Professional Boards] Consumer Affairs  
in the Department of Law and Public Safety established pursuant to  
14 section 4 of P.L....., c. .... (C.....) (now pending before the  
Legislature as this bill).

16 (cf: P.L.1953, c.233, s.19)

<sup>1</sup>[16.] 17.<sup>1</sup> R.S.45:9-1 is amended to read as follows:

18 45:9-1. The State Board of Medical Examiners, hereinafter in this  
chapter designated as the "board" shall consist of 15 members, [one]  
20 two of whom shall be [a public member] public members and one an  
executive department designee as required pursuant to section 2 of  
22 P.L.1971, c.60 (C.45:1-2.2), and [13] 12 of whom shall be persons of  
recognized professional ability and honor, and shall possess a license  
24 to practice their respective professions in New Jersey, and all of  
whom shall be appointed by the Governor in accordance with the  
26 provisions of section 2 of P.L.1971, c.60 (C.45:1-2.2); provided,  
however, that said board shall consist of nine graduates of schools of  
28 medicine who shall possess the degree of M.D., and in addition the  
membership of said board shall comprise one osteopath, [one  
30 chiropractor,] one podiatrist and one licensed bio-analytical  
laboratory director, who may or may not be the holder of a degree of  
32 M.D. The term of office of members of the board hereafter  
appointed shall be three years or until their successors are  
34 appointed. Said appointees shall, within 30 days after receipt of  
their respective commissions, take and subscribe the oath or  
36 affirmation prescribed by law and file the same in the office of the  
Secretary of State.

38 [The Governor shall appoint two chiropractors who are licensed to  
practice chiropractic in the State of New Jersey to serve for a term

2 of three years each and until their successors are appointed and  
3 qualify, who shall be available to assist the board in the  
4 administration of sections 4, 5, 6, 7, 8, 9, 12, 15 and 16 of P.L.1953,  
5 c.233, which act supplements chapter 9 of Title 45 of the Revised  
6 Statutes, and contains this amendment to this section. Within the  
7 limits of available appropriations therefor each such chiropractor  
8 shall be paid a fee of \$10.00 for each applicant assigned to him for  
9 examination and when designated and authorized by the board to do  
10 business on behalf of the board outside of the State shall receive  
11 \$50.00 per day and when performing authorized official duties in or  
12 out of the State shall be reimbursed for all proper expenses incurred  
13 in the performance of such duties.]

14 The Governor shall also appoint an advisory committee to consist  
15 of four licensed bio-analytical laboratory directors, only two of  
16 whom shall possess the degree of M.D., and who shall be appointed  
17 from a list to be submitted by the society or organization of which  
18 the persons nominated are members. The members of this advisory  
19 committee shall serve for a term of three years and until their  
20 successors are appointed and qualified, and shall be available to  
21 assist the board in the administration of the [Bio-analytical  
22 Laboratory and Laboratory Director's Act] "Bio-analytical  
23 Laboratory and Laboratory Directors Act (1953)," P.L.1953, c.420  
24 (C.45:9-42.1 et seq.). The advisory committee shall meet at the call  
25 of the board. The board may authorize reimbursement of the  
26 members of the advisory committee for their actual expenses  
27 incurred in connection with the performance of their duties as  
28 members of the committee.

(cf: P.L.1973, c.187, s.1)

30 <sup>1</sup>[17.] 18.1 (New section) The duties and functions of the  
31 incumbent chiropractic member and assistants on the State Board of  
32 Medical Examiners shall terminate on the effective date of this act  
33 and they shall assume their duties and functions as members of the  
34 State Board of Chiropractic Examiners. No additional chiropractic  
35 members and assistants shall be appointed to the State Board of  
36 Medical Examiners.

<sup>1</sup>[18.] 19.1 R.S.45:9-16 is amended to read as follows:

38 45:9-16. The board may refuse to grant or may suspend or revoke  
a license or the registration of a certificate or diploma to practice  
medicine and surgery [or chiropractic] filed in the office of any

2 county clerk in this State under any act of the Legislature, upon  
proof to the satisfaction of the board that the holder of such license  
3 (a) has been adjudicated insane, or (b) habitually uses intoxicants, or  
4 (c) has practiced criminal abortion, or been convicted of the crime of  
criminal abortion, or has been convicted of crime involving moral  
5 turpitude, or has pleaded nolo contendere, non vult contendere or non  
6 vult to an indictment, information or complaint alleging the  
7 commission of the crime of criminal abortion or of crime involving  
8 moral turpitude, or (d) has been determined to be physically or  
9 mentally incapacitated, (e) knowingly becomes employed by any  
10 physician, surgeon, homeopath, eclectic, osteopath, [chiropractor,] or  
11 doctor who advertises, or (f) shall have presented to the board any  
12 diploma, license or certificate that shall have been illegally obtained  
13 or shall have been signed or issued unlawfully or under fraudulent  
14 representations, or obtains or shall have obtained a license to  
15 practice in this State through fraud of any kind, or (g) has been guilty  
16 of employing unlicensed persons to perform work which, under <sup>4</sup>[this  
17 chapter (R.S.45:9-1 et seq.)] chapter 9 of Title 45 of the Revised  
Statutes<sup>4</sup> can legally be done only by persons licensed to practice  
18 medicine and surgery [or chiropractic] in this State or (h) has been  
19 guilty of gross malpractice or gross neglect in the practice of  
20 medicine which has endangered the health or life of any person, or (i)  
21 has been demonstrated professionally incompetent to practice  
22 medicine, or (j) has advertised in any manner, whether as an  
23 individual, through a professional service corporation or through a  
24 third party on his behalf, the practice of medicine and surgery [or  
25 chiropractic]; provided, however, that the following shall not be  
26 deemed to be advertising prohibited under this chapter:

27 a. Public information for educational purposes on the practice or  
28 profession of medicine and surgery [or chiropractic] which does not  
29 contain the name of any person licensed to practice medicine and  
30 surgery [or chiropractic] in this State or the address of any location  
31 where medical [or chiropractic] examination or treatment may be  
32 had or is recommended or suggested;

33 b. Publication of a brief announcement of the opening of an office  
34 or the removal to a new location, containing the name, professional  
35 degree, type of practice, address, telephone number, and office hours  
36 of the licensee;

37 c. A listing in an alphabetical telephone directory of the name of

2 a licensee together with his professional degree or the abbreviation  
therefor;

4 d. A listing in a classified telephone directory with standard type  
limited to the name, professional degree, type of practice, office and  
6 home addresses and telephone numbers, and office hours of a  
licensee;

8 e. The use of small signs on the doors, windows and walls of a  
licensee's office or on the building in which he maintains an office,  
or the use of a sign directory separate and apart from, but in  
10 reasonable proximity to, the building in which he maintains all office  
as an aid to the public in locating the office, setting out his name,  
12 professional degree, type of practice, address and office hours in  
lettering no larger than six inches in height for street level offices,  
14 and no larger than eight inches in height for offices above  
street-level;

16 f. Communications with or without the name of the licensee  
distributed or mailed to his patients of record at his discretion;

18 g. A directory of physicians for consumer use which shall include  
the educational background, degrees, fellowships, certifications,  
20 specialties, experience and any other pertinent information which is  
related to the practice of medicine and surgery of the physicians.

22 The board shall refuse to grant or shall suspend or revoke any such  
license or the registration of any such certificate or diploma upon  
24 proof to the satisfaction of the board that the applicant for, or  
holder of, such license habitually uses drugs or has been convicted of  
26 a violation of or has pleaded nolo contendere, non vult contendere or  
non vult to an indictment, information or complaint alleging a  
28 violation of any federal or State law relating to narcotic drugs.  
Before any license, or registration of a certificate or diploma to  
30 practice medicine or surgery [or chiropractic] filed in the office of  
any county clerk of this State under any act of the Legislature, shall  
32 be suspended or revoked, except in the case of conviction of criminal  
abortion or conviction of crime involving moral turpitude or plea of  
34 nolo contendere, non vult contendere or non vult to indictment,  
information or complaint alleging commission of the crime of  
36 criminal abortion or crime involving moral turpitude, or conviction  
of violation of or plea of nolo contendere, non vult contendere or non  
38 vult to indictment, information, or complaint alleging violation of,  
any federal or State law relating to narcotic drugs, the accused

2 person shall be furnished with a copy of the complaint and be given a  
3 hearing before said board in person or by attorney, and any person  
4 whose license shall be suspended or revoked in accordance with this  
5 section shall be deemed an unlicensed person during the period of  
6 such suspension or revocation, and as such shall be subject to the  
7 penalties hereinafter prescribed for persons who practice medicine  
8 and surgery [or chiropractic] without first having obtained a license  
9 so to do. Any person whose license, or registration of a certificate  
10 or diploma to practice medicine and surgery [or chiropractic] filed in  
11 the office of any county clerk of this State under any act of the  
12 Legislature, shall be suspended or revoked under the authority of  
13 <sup>4</sup>[this chapter (R.S.45:9-1, et seq.)] chapter 9 of Title 45 of the  
14 Revised Statutes<sup>4</sup> may, in the discretion of the board be relicensed  
15 at any time to practice without an examination, or have his  
16 registration of a certificate or diploma, as aforesaid, reinstated, on  
application being made to the board.

The record of conviction or the record of entry of a plea of nolo  
18 contendere, non vult contendere or non vult in any of the courts of  
19 this State, or any other state of the United States, or any of the  
20 courts of the United States, or the court of any foreign nation, shall  
21 be sufficient warrant for the board to refuse to grant or to suspend  
22 or revoke the license or the registration of a certificate or diploma  
23 to practice medicine and surgery [or chiropractic] filed in the office  
24 of any county clerk in this State under any act of the Legislature.

(cf: P.L.1982, c.91, s.1)

26 <sup>1</sup>[19.] 20.<sup>1</sup> R.S.45:9-21 is amended to read as follows:

27 45:9-21. The prohibitory provisions of this chapter shall not apply  
28 to the following:

29 a. A commissioned surgeon or physician of the regular United  
30 States Army, Navy, or Marine hospital service while so commissioned  
31 and actively engaged in the performance of his official duties. This  
32 exemption shall not apply to reserve officers of the United States  
33 Army, Navy or Marine Corps, or to any officer of the National Guard  
34 of any state or of the United States;

35 b. A lawfully qualified physician or surgeon of another state  
36 taking charge temporarily, on written permission of the board, of the  
37 practice of a lawfully qualified physician or surgeon of this State  
38 during his absence from the State, upon written request to the board  
for permission so to do. Before such permission is granted by the

2 board and before any person may enter upon such practice he must  
3 submit proof that he can fulfill the requirements demanded in the  
4 other sections of this article relating to applicants for admission by  
5 examination or indorsement from another state. Such permission  
6 may be granted for a period of not less than two weeks nor more  
7 than four months upon payment of a fee of \$50.00. The board in its  
8 discretion may extend such permission for further periods of two

9 c. A physician or surgeon of another state of the United States  
10 and duly authorized under the laws thereof to practice medicine or  
11 surgery therein, if such practitioner does not open an office or place  
12 for the practice of his profession in this State;

13 d. A person while actually serving as a member of the resident  
14 medical staff of any legally incorporated charitable or municipal  
15 hospital or asylum approved by the board. Hereafter such exemption  
16 of any such resident physician shall not apply with respect to any  
17 individual after he shall have served as a resident physician for a  
18 total period of five years;

19 e. The practice of dentistry by any legally qualified and registered  
20 dentist;

21 f. The ministrations to, or treatment of, the sick or suffering by  
22 prayer or spiritual means, whether gratuitously or for compensation,  
23 and without the use of any drug material remedy;

24 g. The practice of optometry by any legally qualified and  
25 registered optometrist;

26 h. The practice of podiatry by any legally licensed podiatrist;

27 i. The practice of pharmacy by a legally licensed and registered  
28 pharmacist of this State, but this exception shall not be extended to  
29 give to said licensed pharmacist the right and authority to carry on  
30 the business of a dispensary, unless the dispensary shall be in charge  
31 of a legally licensed and registered physician and surgeon of this  
32 State;

33 j. A person claiming the right to practice medicine and surgery in  
34 this State who has been practicing therein since before July 4, 1890,  
35 if said right or title was obtained upon a duly registered diploma, of  
36 which the holder and applicant was the lawful possessor, issued by a  
37 legally chartered medical institution which, in the opinion of the  
38 board, was in good standing at the time the diploma was issued;

k. A podiatrist, professional nurse, or a registered physical

therapist, masseur, while operating in each particular case under the  
2 specific direction of a regularly licensed physician or surgeon. This  
exemption shall not apply to such assistants of persons who are  
4 licensed as osteopaths, chiropractors, optometrists or other  
practitioners holding limited licenses;

6 l. A person while giving aid, assistance or relief in emergency or  
accident cases pending the arrival of a regularly licensed physician,  
8 or surgeon or under the direction thereof; [or]

m. The operation of a bio-analytical laboratory by a licensed  
10 bio-analytical laboratory director, or any person working under the  
direct and constant supervision of a licensed bio-analytical  
12 laboratory director;

n. Any employee of a State or county institution holding the  
14 degree of M.D. or D.O., regularly employed on a salary basis on its  
medical staff or as a member of the teaching or scientific staff of a  
16 State agency, may apply to the State Board of Medical Examiners of  
New Jersey and may, in the discretion of said board, be granted  
18 exemption from the provisions of this chapter; provided said  
employee continues as a member of the medical staff of a State  
20 agency or county institution or of the teaching or scientific staff of  
a State agency and does not conduct any type of private medical  
22 practice; or

o. The practice of chiropractic by any legally licensed  
24 chiropractor.

(cf: P.L.1973, c.166, s.4)

26 <sup>1</sup>[20.] 21.1 R.S.45:9-22 is amended to read as follows:

28 45:9-22. Any person commencing or continuing the practice of  
medicine and [/or] surgery [or chiropractic] in this State without first  
having obtained a license, as provided in this chapter or any  
30 supplement thereto, or contrary to any of the provisions of this  
chapter or any supplement thereto, or who practices medicine and  
32 [/or] surgery [or chiropractic] under false or assumed name, or  
falsely impersonates another practitioner of a like or different name,  
34 or buys, sells or fraudulently obtains a diploma as a doctor of  
medicine and [/or] surgery [or chiropractic] or any branch thereof, or  
36 method of treatment of human ailment, disease, pain, injury,  
deformity, mental or physical condition or a license to practice  
38 medicine and[/or] surgery [or chiropractic], record or registration  
pertaining to the same, or any person, company or association who



2 shall employ for a stated salary or otherwise, or aid or assist any  
3 person not regularly licensed to practice medicine and[/or] surgery  
4 [or chiropractic] in this State, to practice medicine and [/or] surgery  
5 [or chiropractic] therein, or who violates any of the provisions of this  
6 chapter or any supplement thereto, shall be liable to a penalty of two  
7 hundred dollars (\$200.00), for the first offense. Every person  
8 practicing medicine and[/or] surgery [or chiropractic] under a firm  
9 name and every person practicing medicine and [/or] surgery [or  
10 [chiropractic] or as an employee of another shall cause his name to  
11 be conspicuously displayed and kept in a conspicuous place at the  
12 entrance of the place where such practice shall be conducted, and  
13 any person who shall neglect to cause his name to be displayed as  
14 herein required, shall be liable to a penalty of one hundred dollars  
15 (\$100.00). The penalties provided for by this section shall be sued for  
16 and recovered by and in the name of the State Board of Medical  
17 Examiners of New Jersey, in a summary manner, pursuant to [the  
18 Penalty Enforcement Law] "the penalty enforcement law,"  
19 (N.J.S.2A:58-1 et seq.) and the Rules [of the Supreme Court]  
20 Governing the Courts of the State of New Jersey. Process shall be  
21 either in the nature of a summons or warrant.

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

22 <sup>1</sup>[21.] 22.<sup>1</sup> Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to  
23 read as follows:

24 1. The provisions of this act shall apply to the following boards  
25 and commissions: the New Jersey State Board of Accountancy, the  
26 New Jersey State Board of Architects, the New Jersey State Board  
27 of Cosmetology and Hairstyling, the Board of Examiners of  
28 Electrical Contractors, the New Jersey State Board of Dentistry, the  
29 State Board of Mortuary Science of New Jersey, the State Board of  
30 Professional Engineers and Land Surveyors, the State Board of  
31 Marriage Counselor Examiners, the State Board of Medical  
32 Examiners, the New Jersey Board of Nursing, the New Jersey State  
33 Board of Optometrists, the State Board of Examiners of Ophthalmic  
34 Dispensers and Ophthalmic Technicians, the Board of Pharmacy, the  
35 State Board of Professional Planners, the State Board of  
36 Psychological Examiners, the State Board of Examiners of Master  
37 Plumbers, the New Jersey Real Estate Commission, the State Board  
38 of Shorthand Reporting, the State Board of Veterinary Medical  
Examiners, the Radiologic Technology Board of Examiners, [and] the

Acupuncture Examining Board, and the State Board of Chiropractic  
2 Examiners.

(cf: P.L.1984, c.205, s.40)

4 <sup>1</sup>[22.] 23.<sup>1</sup> Section 1 of P.L.1974, c.46 (C.45:1-3.1) is amended to  
read as follows:

6 1. The provisions of this act shall apply to the following boards  
and commissions: the New Jersey State Board of Accountancy, the  
8 New Jersey State Board of Architects, the New Jersey State Board  
of Cosmetology and Hairstyling, the Board of Examiners of  
10 Electrical Contractors, the New Jersey State Board of Dentistry, the  
State Board of Mortuary Science of New Jersey, the State Board of  
12 Professional Engineers and Land Surveyors, the State Board of  
Marriage Counselor Examiners, the State Board of Medical  
14 Examiners, the New Jersey Board of Nursing, the New Jersey State  
Board of Optometrists, the State Board of Examiners of Ophthalmic  
16 Dispensers and Ophthalmic Technicians, the Board of Pharmacy, the  
State Board of Professional Planners, the State Board of  
18 Psychological Examiners, the State Board of Examiners of Master  
Plumbers, the State Board of Shorthand Reporting, the State Board  
20 of Veterinary Medical Examiners, the Radiologic Technology Board  
of Examiners, [and] the Acupuncture Examining Board, and the State  
22 Board of Chiropractic Examiners.

(cf: P.L.1984, c.205, s.42)

24 <sup>1</sup>[23.] 24.<sup>1</sup> Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to  
read as follows:

26 2. The provisions of this act shall apply to the following boards  
and all professions or occupations regulated by or through such  
28 boards: the New Jersey State Board of Accountancy, the New Jersey  
State Board of Architects, the New Jersey State Board of  
30 Cosmetology and Hairstyling, the Board of Examiners of Electrical  
Contractors, the New Jersey State Board of Dentistry, the State  
32 Board of Mortuary Science of New Jersey, the State Board of  
Professional Engineers and Land Surveyors, the State Board of  
34 Marriage Counselor Examiners, the State Board of Medical  
Examiners, the New Jersey Board of Nursing, the New Jersey State  
36 Board of Optometrists, the State Board of Examiners of Ophthalmic  
Dispensers and Ophthalmic Technicians, the Board of Pharmacy, the  
38 State Board of Professional Planners, the State Board of  
Psychological Examiners, the State Board of Examiners of Master

2 Plumbers, the State Board of Shorthand Reporting, the State Board  
of Veterinary Medical Examiners, [and] the Acupuncture Examining  
Board, and the State Board of Chiropractic Examiners.

4 (cf: P.L.1984, c.205, s.43)

6 <sup>1</sup>[24.] 25.<sup>1</sup> This act shall take effect on the 180th day following  
enactment, but, on or after the enactment date of this act,  
membership of the board may be appointed, may organize itself and  
8 may promulgate rules and regulations to implement the provisions of  
this act in anticipation of this act taking effect.

10

12

REGULATED PROFESSIONS

Consumer Affairs

14

16 Establishes the State Board of Chiropractic Examiners in the  
Division of Consumer Affairs.

3 Board of Cosmetology and Hairstyling, the Board of Examiners  
of Electrical Contractors, the New Jersey State Board of  
5 Dentistry, the State Board of Mortuary Science of New Jersey,  
the State Board of Professional Engineers and Land Surveyors,  
7 the State Board of Marriage Counselor Examiners, the State  
Board of Medical Examiners, the New Jersey Board of Nursing,  
9 the New Jersey State Board of Optometrists, the State Board of  
Examiners of Ophthalmic Dispensers and Ophthalmic  
11 Technicians, the Board of Pharmacy, the State Board of  
Professional Planners, the State Board of Psychological  
13 Examiners, the State Board of Examiners of Master Plumbers,  
the State Board of Shorthand Reporting, the State Board of  
15 Veterinary Medical Examiners, [and] the Acupuncture Examining  
Board, and the State Board of Chiropractic Examiners.

17 24. This act shall take effect on the one hundred and  
eightieth day following enactment, but, on or after the  
enactment date of this act, membership of the board may be  
19 appointed, may organize itself and may promulgate rules and  
regulations to implement the provisions of this act in  
21 anticipation of this act taking effect.

#### 23 STATEMENT

25 This bill establishes the State Board of Chiropractic  
27 Examiners in the Division of Consumer Affairs of the  
Department of Law and Public Safety and makes the requisite  
29 changes in the law with respect to the regulation of the  
profession of chiropractic currently performed by the State  
31 Board of Medical Examiners.

#### 33 REGULATED PROFESSIONS

##### 35 Consumer Affairs

37 Establishes the State Board of Chiropractic Examiners in the  
Division of Consumer Affairs.

ASSEMBLY HIGHER EDUCATION AND REGULATED  
PROFESSIONS COMMITTEE

STATEMENT TO

[THIRD REPRINT]

SENATE, No. 216

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 18, 1989

The Assembly Higher Education and Regulated Professions Committee favorably reports Senate Bill No. 216 [3R] with amendments.

As amended by committee, this bill establishes the State Board of Chiropractic Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety. The 11 member board is to consist of two public members, one executive branch member, and eight licensed chiropractors who have been actively engaged in the practice of chiropractic in this State for at least five years immediately preceding their appointment.

The bill transfers the regulation of the practice of chiropractic from the State Board of Medical Examiners to the newly created State Board of Chiropractic Examiners. It provides for the required changes in current law with respect to the regulation of the profession of chiropractic currently performed by the State Board of Medical Examiners. The bill provides that the scope of chiropractic practice is to remain as it is defined in existing statute.

The bill declares that within the chiropractic profession there are different philosophies of practice and that properly trained adherents of all philosophies should be admitted to examination for licensure. In addition, the bill provides that the board must accept as an applicant for licensure as a chiropractor any individual who has graduated from a school of chiropractic which was approved during the individual's entire course of study by the board and accredited by the Council of Chiropractic Education or the Straight Chiropractic Academic Standards Association or other accrediting agency approved by the United States Department of Education.

The bill clarifies the standards by which schools, institutions and colleges of chiropractic will be approved by the new board and codifies existing regulations of the State Board of Medical Examiners concerning the accreditation of chiropractic schools.

The committee amended the bill to require that the board, in approving a school, institution or college of chiropractic, shall consult with and take into consideration the standards suggested by the Council of Chiropractic Education, the Straight Chiropractic Academic Standards Association, or other accrediting agency approved by the United States Department of Education. The committee made a number of technical amendments to the bill to correct statutory references.

As amended by committee, this bill is identical to Assembly Bill No. 4284 ACA.

SENATE LABOR, INDUSTRY AND PROFESSIONS COMMITTEE

STATEMENT TO

**SENATE, No. 216**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 19, 1988

The Senate Labor, Industry and Professions Committee reports without recommendation and with committee amendments Senate, No. 216.

This bill establishes the State Board of Chiropractic Examiners in the Division of Consumer Affairs of the Department of Law and Public Safety. An 11-member board is created consisting of two public members, one executive branch member and eight licensed chiropractors who have been actively engaged in the practice of chiropractic in this State for at least five years immediately preceding their appointment.

This bill transfers the regulation of the practice of chiropractic from the State Board of Medical Examiners to the newly created State Board of Chiropractic Examiners. It provides for the requisite changes in the current law with respect to the regulation of the profession of chiropractic currently performed by the State Board of Medical Examiners. No changes are made in the current regulation of the practice of chiropractic, including the scope of practice of chiropractic.

The committee amended the bill to declare that within the chiropractic profession there exists different philosophies of practice and that properly trained adherents of all philosophies should be admitted to examination for licensure. In addition, the amendments provide that the board must accept as an applicant for licensure as a chiropractor any individual who has graduated from a school of chiropractic which was approved during the individual's entire course of study by the Council of Chiropractic Education or other accrediting agency with equivalent credentials.

This bill was pre-filed for introduction in the 1988 session pending technical review. As reported the bill includes the changes required by technical review which has been performed.