



HOUSE BILL 728:

Amend Laws Pertaining to Chiropractic Board

2015-2016 General Assembly

Committee: House Finance
Introduced by: Reps. Conrad, Bryan, Setzer
Analysis of: Second Edition

Date: April 29, 2015
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SUMMARY: *House Bill 728 increases the amount of time by 60 days for a chiropractic clinical assistant to obtain a certificate of competency from the State Board of Chiropractic Examiners; authorizes the State Board of Chiropractic Examiners to impose a civil penalty of up to \$5,000 for a violation or rule adopted under Article 8 of Chapter 90; and increases from \$150 to \$300 the annual license renewal fee.*

BILL ANALYSIS:

Section 1 would increase the amount of time from 120 day to 180 days after employment for a chiropractic clinical assistant to obtain a certificate of competency from the State Board of Chiropractic Examiners (Board). A chiropractic clinical assistant is a nonlicensed employee of a chiropractic physician whose duties include (i) collecting general health data, such as the taking of an oral history or vital sign measurements, (ii) applying therapeutic procedures, such as thermal, sound, light and electrical modalities, and hydrotherapy, and (iii) monitoring prescribed rehabilitative activities. Chiropractic clinical assistants may not provide chiropractic adjustments, manual therapy, nutritional instruction, counseling, or any other therapeutic service that requires individual licensure.

Section 2 would allow the Board to impose and collect a civil penalty of up to \$5000 from a licensee for each violation of Article 8 of Chapter 90 or a rule adopted under Article 8 of Chapter 90. The following is a list of grounds for disciplinary action for which the penalty may be imposed:

- (1) Advertising services in a false or misleading manner.
- (2) Conviction of a felony or of a crime involving moral turpitude.
- (3) Addiction to or severe dependency upon alcohol or any other drug that impairs the ability to practice safely.
- (4) Unethical conduct as defined in G.S. 90-154.2.
- (5) Negligence, incompetence, or malpractice in the practice of chiropractic.
- (6) Repealed by Session Laws 1995, c. 188, s. 1.
- (7) Not rendering acceptable care in the practice of the profession as defined in G.S. 90-154.3.
- (8) Lewd or immoral conduct toward a patient.
- (9) Committing or attempting to commit fraud, deception, or misrepresentation.
- (10) Offering to waive a patient's obligation to pay any deductible or copayment required by the patient's insurer.
- (11) Failing to honor promptly a patient's request for a copy of any claim form submitted to the patient's insurer.
- (12) Rebating or offering to rebate to a patient any portion of the funds received from the patient's insurer, unless the sum rebated constitutes the refund of an overpayment to which the patient is lawfully entitled.
- (13) Advertising any free or reduced rate service without prominently stating in the advertisement the usual fee for that service.
- (14) Charging an insurer or other third-party payor a fee greater than a patient would be charged for the same service if the patient were paying directly.
- (15) Charging an insurer or other third-party payor a fee greater than the advertised fee for the same service.

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- (16) Violating the provisions of G.S. 90-154.1.
- (17) Physical, mental, or emotional infirmity of such severity as to impair the ability to practice safely.
- (18) Violating the provisions of G.S. 90-151 regarding the extent and limitation of license.
- (19) Concealing information from the Board or failing to respond truthfully and completely to an inquiry from the Board concerning any matter affecting licensure.
- (20) Failing to comply with a decision of the Board that is final.
- (21) Committing an act on or after October 1, 2007, which demonstrates a lack of good moral character which would have been a basis for denying a license under G.S. 90-143(b)(1), had it been committed before application for a license.

Section 3 would increase the maximum allowable fee from \$150 to \$300 that the Board may set as the annual renewal fee for a license to practice chiropractic in North Carolina.

EFFECTIVE DATE: Section 2 of this act becomes effective December 1, 2015, and applies to offenses committed on or after that date. The remainder is effective when it becomes law.

Amy Jo Johnson, counsel to House Health, substantially contributed to this summary.