



HOUSE BILL 415: Update Chiropractic Laws.

2021-2022 General Assembly

Committee: Senate Rules and Operations of the Senate	Date: August 4, 2021
Introduced by: Reps. Setzer, Lambeth, Everitt, Moffitt	Prepared by: Jason Moran-Bates
Analysis of: Third Edition	Staff Attorney

OVERVIEW: *The Proposed Committee Substitute to House Bill 415 would broaden the power of the Board of Chiropractic Examiners to adopt rules to administer Article 8 of Chapter 90 (Chiropractic). It would also repeal several portions of Article 8 and make technical and clarifying changes.*

BILL ANALYSIS: The bill would make several changes to Article 8 of Chapter 90 of the General Statutes.

G.S. 90-142. Rules and regulations would be amended to change the name of the board regulating chiropractors to the North Carolina State Board of Chiropractic Examiners (Board). It would also give the Board the power to adopt specific rules, in addition to the general power to adopt rules to administer Article 8.

G.S. 90-144. Meetings of Board of Examiners would be amended with a technical change.

G.S. 90-148. Records of Board would be amended to permit the Board to access and retain any records pertinent to a complaint filed with the Board. Those records would not be considered public records under the Public Records Act. The names and office addresses of the Board members and individuals licensed by the Board would be public records, but home addresses and personal addresses would not be public records.

G.S. 90-154. Grounds for professional discipline would be amended to permit the Board to discipline any licensee who violates any provision of Article 8 or any rule adopted by the Board. It would also remove the statutory grounds for the Board to take disciplinary action against licensees who engage in the following:

- Misleading advertising.
- Offering to waive a patient's copay or deductible.
- Failing to promptly honor a patient's request for a copy of any claim form submitted to an insurer.
- Rebating to a patient any funds received from a patient's insurer.
- Advertising reduced rates for services without also advertising the usual rates for those services.
- Charging an insurer a fee greater than that charged to a self-pay patient or a fee greater than the advertised fee.

G.S. 90-154.1. Collection of certain fees prohibited would be repealed. This statute currently allows patients to refuse to pay for some services sought in response to advertisements for free or reduced-price services.

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

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G.S. 90-154.3. Acceptable care in the practice of chiropractic would be amended to make technical changes and remove a statutory duty of care definition.

G.S. 90-154.4. Entitlements prohibited would be repealed. The statute currently prohibits chiropractors to offering anything of monetary value to a patient if the chiropractor knows or believes an insurer or third party will be paying the patient's treatment expenses. There are a few exceptions to this prohibition.

G.S. 90-155. Annual fee for renewal of license would be amended to clarify that individuals who are not actively practicing may request their license be placed on inactive status. They would not be permitted to practice in North Carolina if the license remains inactive. Licenses could be returned to active status following payment of all fees and proof of competency to practice.

G.S. 90-157.4. Civil penalty; disciplinary costs would be a new section added to Article 8. It would allow the Board to assess a civil penalty of \$500 or less to individuals who violate Article 8 or any rule adopted by the Board. This penalty would be capped at \$1,000 per hearing, regardless of the number of violations. The Board would also be allowed to assess attorneys' fees and costs against individuals who are subject to discipline.

EFFECTIVE DATE: This bill would be effective October 1, 2021.