



HOUSE BILL 415: Update Chiropractic Laws.

2021-2022 General Assembly

Committee: Senate Rules and Operations of the Senate	Date: August 10, 2021
Introduced by: Reps. Setzer, Lambeth, Everitt, Moffitt	Prepared by: Kristen L. Harris*
Analysis of: Third Edition	Staff Attorney

OVERVIEW: *House Bill 415 would allow the Board of Chiropractic Examiners to adopt, amend, and repeal 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 "Powers; duties" and allow the Board to adopt, amend, or repeal rules to administer and enforce 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 allow the Board to order the production of clinical care or patient records relevant to a complaint received or an investigation conducted by the Board. Documents collected as part of the investigation would not be considered public records, however, notices, statements of charges, decisions, would be public record, provided information identifying a patient, who has not consented to public disclosure, would be redacted.
- Require chiropractors and establishments to maintain patient records for a minimum of seven years.

G.S. 90-154. Grounds for professional discipline would be amended to permit the Board to impose civil penalties and discipline any licensee who violates or assists in the violation of 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:

- False and misleading advertising.
- Offering to waive a patient's copay or deductible required by the patient's insurer.
- 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 Collection of certain fees prohibited would be repealed.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.

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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 standard of care definition.

G.S. 90-154.4. Enticements prohibited would be repealed. The statute currently prohibits chiropractors from 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.

**Jason Moran-Bates, Legislative Analysis Division, substantially contributed to this summary.*