

[First Reprint]

**ASSEMBLY, No. 3122**

**STATE OF NEW JERSEY**  
**212th LEGISLATURE**

INTRODUCED MAY 18, 2006

**Sponsored by:**

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**District 29 (Essex and Union)**

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**District 19 (Middlesex)**

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**District 1 (Cape May, Atlantic and Cumberland)**

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**Assemblymen Barnes, Giblin, Diegnan, Assemblywoman Stender,  
Assemblyman Scalera, Assemblywoman Quigley, Assemblymen Russo,  
Doherty, McKeon and Vas**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Assembly Regulated Professions and Independent Authorities Committee on November 19, 2007, with amendments.

**(Sponsorship Updated As Of: 6/12/2007)**

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 <sup>1</sup>[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]<sup>1</sup>  
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." <sup>1</sup>[and as used in chapter 9 of  
28 Title 45 of the Revised Statutes] sections 7 through 14 and sections  
29 19 and 20 of P.L.1953, c.233 (C.45:9-41.4 through C.45:9-41.13  
30 inclusive) and P.L.1989, c.153 (C.45:9-41.17 et seq.)<sup>1</sup>:

31 "Practice of chiropractic" means a philosophy, science and  
32 healing art concerned with the restoration and preservation of health  
33 and wellness through the promotion of well-being, prevention of  
34 disease and promotion and support of the inherent or innate  
35 recuperative abilities of the body. The practice of chiropractic  
36 includes, but is not limited to, the examination, diagnosis, analysis,  
37 assessment, systems of adjustments, manipulation and treatment of  
38 the articulations, structures or tissues of the <sup>1</sup>[human and animal]<sup>1</sup>  
39 body, particularly the spine, nervous system and related structures.

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

42 "Subluxation" means a complex of functional, structural or  
43 pathological articular lesions or a local or systemic aberration of the  
44 nervous system caused by <sup>1</sup>[injury, <sup>1</sup>pressure, traction, torsion, or by

**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>Assembly ARP committee amendments adopted November 19, 2007.

1 chemical or electrical irritation or stimulation or inhibition of a  
2 nerve that compromise neural integrity and may affect normal  
3 physiological function, organ system function homeostasis,  
4 wellness and general health.

5 b. A chiropractor licensed by the State Board of Chiropractic  
6 Examiners may:

7 (1) Use any method of treatment '【except the use of surgery as  
8 requires cutting, or the prescription of any drug or medicine, except  
9 all food concentrates, food extracts, vitamins, minerals, herbs,  
10 enzymes, amino acids, homeopathic remedies, and other dietary  
11 supplements, including, but not limited to, tissue or cell salts,  
12 glandular extracts, nutraceuticals, botanicals and other nutritional  
13 supplements,】' for any ailment, pain, disease, injury, deformity,  
14 '【mental】' or '【physical】' condition, '【including, but not】'  
15 limited to, chiropractic practice methods, physical medicine  
16 modalities, rehabilitation, acupuncture, electricity, water, sound,  
17 light, heat or cold, splinting or bracing, nutrition and first aid '【,  
18 and】 . A chiropractor<sup>1</sup> may also perform, order and interpret any  
19 method of diagnosis or analysis of any ailment, disease, pain,  
20 injury, deformity, '【mental】' or '【physical】' condition, including,  
21 but not limited to, x-ray, motion x-ray, bone scan, computer-aided  
22 imaging, computer-aided neuromuscular testing, electrodiagnostic  
23 testing, '【including, but limited to electromyography (EMG), nerve  
24 conduction studies (NCV), evoked potential studies】' and the  
25 taking of samples for bio-analytical laboratory tests '【, so long as  
26 the methods of treatment or diagnoses or analysis were:

27 (a) taught in any chiropractic college approved by the State  
28 Board of Chiropractic Examiners;

29 (b) taught at a State Board of Chiropractic Examiners' approved  
30 postgraduate course in association with an approved chiropractic  
31 college;

32 (c) taught in a certificate course approved by the State Board of  
33 Chiropractic Examiners; or

34 (d) approved by the State Board of Chiropractic Examiners.】 .

35 Notwithstanding the provisions of this subsection, a chiropractor  
36 shall not employ the use of surgery as requires cutting by  
37 instruments or laser; or prescribe any drug or medicine, except as  
38 allowed in paragraph (3) of this subsection<sup>1</sup> .

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

41 (3) Provide dietary or nutritional counseling, including, but not  
42 limited to, the prescription, administration, dispensing and sale of  
43 nutritional supplements, including, but not limited to, all food  
44 concentrates, food extracts, vitamins, minerals, herbs, enzymes,  
45 amino acids, homeopathic remedies and other dietary supplements,  
46 including, but not limited to, tissue or cell salts, glandular extracts,  
47 nutraceuticals, botanicals and other nutritional supplements.

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

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

10       c. It shall be unlawful for any person, not duly licensed in this  
11 State to practice chiropractic, to use terms, titles, words or letters  
12 which would designate or imply that he '[or she]'  
13 practice chiropractic [, or to hold himself or herself out as being  
14 able to practice chiropractic, or offer or attempt to practice  
15 chiropractic] or render a '[clinical] utilization management'  
16 opinion that limits, restricts or curtails a course of chiropractic care.

17       d. Notwithstanding any other law or regulation to the contrary,  
18 no person, other than a chiropractor licensed by the State Board of  
19 Chiropractic Examiners pursuant to '[P.L.1989, c.153 (C.45:9-  
20 41.17 et seq.)] sections 7 through 14 and sections 19 and 20 of  
21 P.L.1953, c.233 (45:9-41.4 through C.45:9-41.13 inclusive)'  
22 perform a 'chiropractic' spinal adjustment '[on an individual]'  
23 to correct a subluxation. 'Nothing in this section shall prevent a  
24 physician licensed in this State from manually or surgically  
25 manipulating the spine or a physical therapist licensed in this State  
26 from manually manipulating the spine.

27       e. Nothing in this amendatory and supplementary act shall be  
28 construed to allow chiropractors to practice medicine or surgery.'

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

30  
31       2. Section 46 of P.L.1991, c.187 (C.45:9-22.11) is amended to  
32 read as follows:

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

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

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

44       b. whose practice is situated 10 miles or more from a licensed  
45 pharmacy;

46       c. when he dispenses allergenic extracts and injectables;

1 d. when he dispenses drugs pursuant to an oncological or AIDS  
2 protocol; or

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

4 The provisions of this section shall not apply to a licensed  
5 chiropractic physician who dispenses food concentrates, food  
6 extracts, vitamins, minerals, herbs, enzymes, amino acids, tissue or  
7 cell salts, glandular extracts, nutraceuticals, botanicals,  
8 homeopathic remedies, and other nutritional supplements.

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

10

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

13 3. As used in [this act, sections 19, 20 and 24 of P.L.1939,  
14 c.115 (C.45:9-14.5, C.45:9-14.6 and C.45:9-14.10) ] P.L.1989,  
15 c.153 (C.45-41.17 et seq.) <sup>1</sup>[, R.S.45:9-14.5,R.S.45:9-14.6,  
16 R.S.45:9-14.10,]<sup>1</sup> and <sup>1</sup>sections 7 through 14 and sections 19 and  
17 <sup>1</sup>20 of<sup>1</sup> P.L.1953, c.233 <sup>1</sup>[(C.45:9-41.5 et al.)] (C.45:9-41.4 through  
18 C.45:9-41.13 inclusive)<sup>1</sup>:

19 a. "Board" means the State Board of Chiropractic Examiners  
20 created pursuant to section 4 of [this act] P.L.1989, c.153 (C.45:9-  
21 41.20 et seq.).

22 b. "Doctor of Chiropractic," "Chiropractor" or "Chiropractic  
23 Physician" means a person trained and qualified in the discipline of  
24 chiropractic whose license is in force and not suspended or revoked  
25 at the time in question.

26 A doctor of chiropractic, chiropractor or chiropractic physician  
27 shall also mean a physician with only those express limitations on  
28 his license as defined in <sup>1</sup>[R.S.45:9-14.5, R.S.45:9-14.6, R.S.45:9-  
29 14.10] sections 7 through 14 and sections 19 and 20 of P.L.1953,  
30 c.233 (C.45:9-41.4 through C.45:9-41.13 inclusive)<sup>1</sup> and section 3  
31 of P.L.1990, c.68 (C.45:9-14.5a).

32 A person licensed to practice chiropractic may use the title  
33 doctor, or its abbreviation, in the practice of chiropractic, however,  
34 it must be qualified by the words doctor of chiropractic,  
35 chiropractor or chiropractic physician or its abbreviation, D.C. The  
36 use of the title doctor of chiropractic, chiropractic physician,  
37 chiropractor, or its abbreviation, D.C., may be used  
38 interchangeably.

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

40

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

43 7. No person who is not certified under this act shall practice  
44 acupuncture, hold himself out as practicing acupuncture, or use a  
45 title or description, including the following: C.A., Certified  
46 Acupuncturist; Acupuncturist; M.D., C.A.; M.D., Certified  
47 Acupuncturist; D.C., C.A.; D.C., Certified Acupuncturist; or any

1 other letters or words denoting that the person so practices  
2 acupuncture. A person who is participating in an approved course of  
3 study, school or tutorial program in acupuncture may practice  
4 acupuncture under conditions established by the board.

5 The State Board of Medical Examiners may suspend or revoke a  
6 license to practice medicine and surgery, upon proof to its  
7 satisfaction that the holder thereof practiced acupuncture contrary to  
8 the provisions of this act or employed a person who practiced  
9 acupuncture without certification.

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

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

16

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

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

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

24

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

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

31 a. Is at least 21 years of age;

32 b. Is of good moral character; and

33 c. (1) Has a baccalaureate degree and has successfully  
34 completed a board approved two-year course of study or a board  
35 approved two-year program of a school of acupuncture; or (2) has  
36 successfully completed a board approved tutorial program in  
37 acupuncture or at least three years' experience practicing  
38 acupuncture within three years after the enactment of this act, which  
39 is recognized by the board; or (3) is the holder of a license to  
40 practice medicine and surgery or chiropractic. The application shall  
41 be accompanied by the fee prescribed by the board.

42 The board shall evaluate each applicant applying for a certificate  
43 to practice acupuncture and make the final determination regarding  
44 each applicant's admission to the examination and the issuance or  
45 denial of a certificate.

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

1       7. (New section) The board shall require each person licensed  
2 as a chiropractor, as a condition for biennial registration, to  
3 complete 24 credits of continuing chiropractic education as  
4 provided in section 8 of this amendatory and supplementary act  
5 during each biennial registration period. A minimum of two of the  
6 24 credits shall consist of the study of State laws and regulations  
7 governing chiropractic professional ethics or record keeping and  
8 documentation as it pertains to the practice of chiropractic in this  
9 State.

10

11       8. (New section) a. The board ~~['shall']~~:

12       (1) ~~['Establish']~~ Shall establish<sup>1</sup> standards for continuing  
13 chiropractic education, including, but not limited to, the subject  
14 matter and content of courses of study that are taught by  
15 chiropractic schools, colleges, institutions and universities or tested  
16 on for licensure ~~['.~~. The standards shall not restrict or limit  
17 educational programs pertaining to the science, art or philosophy of  
18 chiropractic<sup>1</sup>;

19       (2) ~~['Accredit']~~ May accredit<sup>1</sup> educational programs offering  
20 credit towards the continuing chiropractic education requirements  
21 ~~['that are approved, sponsored or conducted by any board approved~~  
22 chiropractic school, chiropractic college, chiropractic institution or  
23 chiropractic university<sup>1</sup>;

24       (3) ~~['Accredit']~~ May accredit<sup>1</sup> other educational programs,  
25 including, but not limited to educational programs offered by  
26 professional organizations or societies, health care professions,  
27 schools, colleges, institutions, universities or healthcare facilities  
28 ~~['approved by the board']~~<sup>1</sup>;

29       (4) ~~['Allow']~~ May allow<sup>1</sup> satisfactory completion of continuing  
30 chiropractic education requirements through equivalent education  
31 programs such as examinations, papers, publications, scientific  
32 presentations, teaching and research appointments, scientific  
33 exhibits and independent study or internet courses such as distance  
34 learning, including, but not limited to, video and audio tapes or  
35 internet education programs; and

36       (5) ~~['Establish']~~ Shall establish<sup>1</sup> procedures for the issuance of  
37 credit upon satisfactory proof of the completion of these programs.

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

40

41       9. (New section) The board shall:

42       a. Establish procedures for monitoring compliance of the  
43 continuing education requirements; and

44       b. Establish procedures to evaluate and grant approval to  
45 providers of continuing education courses.

1       10. (New section) The board may, in its discretion, waive  
2 requirements for continuing chiropractic education on an individual  
3 basis for reasons of hardship, such as illness or disability,  
4 **'[retirement of the license,]'** or other good cause.

5  
6       11. (New section) a. The board shall not require a new licensee  
7 to complete required continuing chiropractic education credits for  
8 any registration period commencing within 12 months of the  
9 licensee's participation in and completion of an accredited graduate  
10 chiropractic education program.

11       b. **'[The board shall not require completion of continuing**  
12 **chiropractic education credits for any registration periods**  
13 **commencing within 12 months of the adoption of regulations under**  
14 **this amendatory and supplementary act.**

15       c. The board shall require completion of continuing chiropractic  
16 education credits on a pro rata basis for any registration periods  
17 commencing more than 12 but less than 24 months following the  
18 adoption of regulations under this amendatory and supplementary  
19 act.

20       d.**]'** Any person who fails to complete the continuing  
21 chiropractic education requirements established pursuant to section  
22 7 of this amendatory and supplementary act shall be liable to a civil  
23 penalty of not more than \$500 or additional hours of continuing  
24 chiropractic education, or both, as imposed by the board for a first  
25 offense. A second or subsequent offense by a licensee shall be  
26 considered professional misconduct.

27       **'[e.] e.'** The board shall promulgate regulations concerning  
28 continuing education requirements within **'[180] 365'** days of the  
29 effective of this amendatory and supplementary act.

30  
31       12. This act shall take effect **'[on the first day of the twelfth**  
32 **month following enactment] immediately'**.