

SENATE, No. 2636

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED MAY 10, 2007

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

Senator LORETTA WEINBERG

District 37 (Bergen)

Co-Sponsored by:

Senators Bucco, Asselta, Ciesla and Karcher

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/19/2007)

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 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
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." **]** and as used in chapter 9 of
28 Title 45 of the Revised Statutes:

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

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

40 "Subluxation" means a complex of functional, structural or
41 pathological articular lesions or a local or systemic aberration of the
42 nervous system caused by pressure, traction, torsion, or by chemical
43 or electrical irritation or stimulation or inhibition of a nerve that
44 compromise neural integrity and may affect normal physiological

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.

1 function, organ system function homeostasis, wellness and general
2 health.

3 b. A chiropractor licensed by the State Board of Chiropractic
4 Examiners may:

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

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

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

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

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

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

35 (3) Provide dietary or nutritional counseling, including, but not
36 limited to, the prescription, administration, dispensing and sale of
37 nutritional supplements, including, but not limited to, all food
38 concentrates, food extracts, vitamins, minerals, herbs, enzymes,
39 amino acids, homeopathic remedies and other dietary supplements,
40 including, but not limited to, tissue or cell salts, glandular extracts,
41 nutraceuticals, botanicals and other nutritional supplements.

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

46 (5) Sign or certify temporary or permanent impairments and
47 other certifications consistent with a chiropractic practice,
48 including, but not limited to, school and pre-employment physicals.

1 A chiropractic physician may use recognized medical guides in
2 making his determination.

3 c. It shall be unlawful for any person, not duly licensed in this
4 State to practice chiropractic, to use terms, titles, words or letters
5 which would designate or imply that he or she is qualified to
6 practice chiropractic [, or to hold himself or herself out as being
7 able to practice chiropractic, or offer or attempt to practice
8 chiropractic] or render a clinical opinion that limits, restricts or
9 curtails a course of chiropractic care.

10 d. Notwithstanding any other law or regulation to the contrary,
11 no person, other than a chiropractor licensed by the State Board of
12 Chiropractic Examiners pursuant to P.L.1989, c.153 (C.45:9-41.17
13 et seq.) shall perform a spinal adjustment on an individual to correct
14 a subluxation.

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

16

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

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

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

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

30 b. whose practice is situated 10 miles or more from a licensed
31 pharmacy;

32 c. when he dispenses allergenic extracts and injectables;

33 d. when he dispenses drugs pursuant to an oncological or AIDS
34 protocol; or

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

36 The provisions of this section shall not apply to a licensed
37 chiropractic physician who dispenses food concentrates, food
38 extracts, vitamins, minerals, herbs, enzymes, amino acids, tissue or
39 cell salts, glandular extracts, nutraceuticals, botanicals,
40 homeopathic remedies, and other nutritional supplements.

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

42

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

45 3. As used in [this act, sections 19, 20 and 24 of P.L.1939,
46 c.115 (C.45:9-14.5, C.45:9-14.6 and C.45:9-14.10)] P.L.1989,
47 c.153 (C.45-41.17 et seq.), R.S.45:9-14.5, R.S.45:9-14.6, R.S.45:9-
48 14.10, and P.L.1953, c.233 (C.45:9-41.5 et al.):

1 a. "Board" means the State Board of Chiropractic Examiners
2 created pursuant to section 4 of [this act] P.L.1989, c.153 (C.45:9-
3 41.20 et seq.).

4 b. "Doctor of Chiropractic," "Chiropractor" or "Chiropractic
5 Physician" means a person trained and qualified in the discipline of
6 chiropractic whose license is in force and not suspended or revoked
7 at the time in question.

8 A doctor of chiropractic, chiropractor or chiropractic physician
9 shall also mean a physician with only those express limitations on
10 his license as defined in R.S.45:9-14.5, R.S.45:9-14.6, R.S.45:9-
11 14.10 and section 3 of P.L.1990, c.68 (C.45:9-14.5a).

12 A person licensed to practice chiropractic may use the title
13 doctor, or its abbreviation, in the practice of chiropractic, however,
14 it must be qualified by the words doctor of chiropractic,
15 chiropractor or chiropractic physician or its abbreviation, D.C. The
16 use of the title doctor of chiropractic, chiropractic physician,
17 chiropractor, or its abbreviation, D.C., may be used
18 interchangeably.

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

20

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

23 7. No person who is not certified under this act shall practice
24 acupuncture, hold himself out as practicing acupuncture, or use a
25 title or description, including the following: C.A., Certified
26 Acupuncturist; Acupuncturist; M.D., C.A.; M.D., Certified
27 Acupuncturist; D.C., C.A.; D.C., Certified Acupuncturist; or any
28 other letters or words denoting that the person so practices
29 acupuncture. A person who is participating in an approved course of
30 study, school or tutorial program in acupuncture may practice
31 acupuncture under conditions established by the board.

32 The State Board of Medical Examiners may suspend or revoke a
33 license to practice medicine and surgery, upon proof to its
34 satisfaction that the holder thereof practiced acupuncture contrary to
35 the provisions of this act or employed a person who practiced
36 acupuncture without certification.

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

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

43

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

46 8. Nothing in this act shall be construed to prevent the practice
47 of acupuncture by a person licensed as a physician [and] or

1 surgeon or chiropractic physician or dentist, provided his course of
2 training has included acupuncture.

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

4

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

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

11 a. Is at least 21 years of age;

12 b. Is of good moral character; and

13 c. (1) Has a baccalaureate degree and has successfully completed
14 a board approved two-year course of study or a board approved
15 two-year program of a school of acupuncture; or (2) has
16 successfully completed a board approved tutorial program in
17 acupuncture or at least three years' experience practicing
18 acupuncture within three years after the enactment of this act, which
19 is recognized by the board; or (3) is the holder of a license to
20 practice medicine and surgery or chiropractic. The application shall
21 be accompanied by the fee prescribed by the board.

22 The board shall evaluate each applicant applying for a certificate
23 to practice acupuncture and make the final determination regarding
24 each applicant's admission to the examination and the issuance or
25 denial of a certificate.

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

27

28 7. (New section) The board shall require each person licensed
29 as a chiropractor, as a condition for biennial registration, to
30 complete 24 credits of continuing chiropractic education as
31 provided in section 8 of this amendatory and supplementary act
32 during each biennial registration period. A minimum of two of the
33 24 credits shall consist of the study of State laws and regulations
34 governing chiropractic professional ethics or record keeping and
35 documentation as it pertains to the practice of chiropractic in this
36 State.

37

38 8. (New section) a. The board shall:

39 (1) Establish standards for continuing chiropractic education,
40 including, but not limited to, the subject matter and content of
41 courses of study that are taught by chiropractic schools, colleges,
42 institutions and universities or tested on for licensure. The
43 standards shall not restrict or limit educational programs pertaining
44 to the science, art or philosophy of chiropractic;

45 (2) Accredite educational programs offering credit towards the
46 continuing chiropractic education requirements that are approved,
47 sponsored or conducted by any board approved chiropractic school,

1 chiropractic college, chiropractic institution or chiropractic
2 university;

3 (3) Accredite other educational programs, including, but not
4 limited to educational programs offered by professional
5 organizations or societies, health care professions, schools,
6 colleges, institutions, universities or healthcare facilities approved
7 by the board;

8 (4) Allow satisfactory completion of continuing chiropractic
9 education requirements through equivalent education programs such
10 as examinations, papers, publications, scientific presentations,
11 teaching and research appointments, scientific exhibits and
12 independent study or internet courses such as distance learning,
13 including, but not limited to, video and audio tapes or internet
14 education programs; and

15 (5) Establish procedures for the issuance of credit upon
16 satisfactory proof of the completion of these programs.

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

19

20 9. (New section) The board shall:

21 a. Establish procedures for monitoring compliance of the
22 continuing education requirements; and

23 b. Establish procedures to evaluate and grant approval to
24 providers of continuing education courses.

25

26 10. (New section) The board may, in its discretion, waive
27 requirements for continuing chiropractic education on an individual
28 basis for reasons of hardship, such as illness or disability,
29 retirement of the license, or other good cause.

30

31 11. (New section) a. The board shall not require a new licensee
32 to complete required continuing chiropractic education credits for
33 any registration period commencing within 12 months of the
34 licensee's participation in and completion of an accredited graduate
35 chiropractic education program.

36 b. The board shall not require completion of continuing
37 chiropractic education credits for any registration periods
38 commencing within 12 months of the adoption of regulations under
39 this amendatory and supplementary act.

40 c. The board shall require completion of continuing chiropractic
41 education credits on a pro rata basis for any registration periods
42 commencing more than 12 but less than 24 months following the
43 adoption of regulations under this amendatory and supplementary
44 act.

45 d. Any person who fails to complete the continuing chiropractic
46 education requirements established pursuant to section 7 of this
47 amendatory and supplementary act shall be liable to a civil penalty
48 of not more than \$500 or additional hours of continuing chiropractic

1 education, or both, as imposed by the board for a first offense. A
2 second or subsequent offense by a licensee shall be considered
3 professional misconduct.

4 e. The board shall promulgate regulations concerning continuing
5 education requirements within 180 days of the effective of this
6 amendatory and supplementary act.

7
8 12. This act shall take effect on the first day of the twelfth
9 month following enactment.

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11

12

STATEMENT

13

14 This bill amends and supplements the existing laws governing
15 chiropractors. Specifically, the bill adds definitions for the
16 “practice of chiropractic,” “prescription” and “subluxation.” The
17 “practice of chiropractic” is defined as the philosophy, science and
18 healing art concerned with the restoration and preservation of health
19 and wellness through the promotion of well-being, prevention of
20 disease and promotion and support of the inherent or innate
21 recuperative abilities of the body. “Prescription” is defined as a
22 written direction of remedy for a disease, illness or injury and the
23 instructions for using that remedy. “Subluxation” is defined as a
24 complex of functional, structural or pathological articular lesions or
25 a local or systemic aberration of the nervous system caused by
26 pressure, traction, torsion, or by chemical or electrical irritation or
27 simulation or inhibition of a nerve that compromise neural integrity
28 and may affect normal physiological function, organ system
29 function homeostasis, wellness and general health.

30 The bill also provides that a chiropractor licensed by the State
31 Board of Chiropractic Examiners may use any method of treatment
32 of a patient, except the use of surgical cutting, so long as the
33 methods of treatment or diagnoses or analysis were: (1) taught in
34 any chiropractic college approved by the board; (2) taught as a
35 postgraduate course in association with an approved chiropractic
36 college; (3) taught in a certificate course approved by the board; or
37 (4) approved by the board.

38 The bill further provides that a chiropractor may order, request,
39 or prescribe generally recognized medical tests or provide dietary or
40 nutritional counseling.

41 The bill also specifies that a licensed chiropractor may use the
42 title doctor, or its abbreviation, however, it must be qualified by the
43 words doctor of chiropractic. Additionally, a chiropractor may use
44 the designation D.C., C.A. or D.C., Certified Acupuncturist if that
45 chiropractor is certified as an acupuncturist under N.J.S.A. 45:2C-1
46 et seq.

47 The bill additionally requires that licensed chiropractors
48 complete 24 credits of continuing chiropractic education during

1 each biennial registration period. A minimum of two of the 24
2 credits must consist of the study of State laws and regulations
3 governing chiropractic professional ethics or record keeping and
4 documentation as it pertains to the practice of chiropractic in this
5 State.

6 In furtherance of the continuing education requirements, the
7 board is required to establish certain guidelines concerning
8 educational programs and the institutions that offer those programs.
9 The board also must establish credit guidelines for the educational
10 programs and monitor compliance of the continuing education
11 requirements.

12 Finally, the bill establishes a grace period for the initial
13 completion of the continuing education requirements and
14 establishes a civil penalty of not more than \$500 for any person
15 who fails to complete those requirements. A second or subsequent
16 offense is considered professional misconduct.