

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 565

STATE OF NEW JERSEY
213th LEGISLATURE

ADOPTED DECEMBER 14, 2009

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

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District 37 (Bergen)

Co-Sponsored by:

Senators Bucco, Ciesla, Van Drew and Sacco

SYNOPSIS

Concerns chiropractic scope of practice.

CURRENT VERSION OF TEXT

Substitute as adopted by the Senate Commerce Committee.



1 AN ACT concerning the practice of chiropractic, amending
2 R.S.45:9-14.5, P.L.1991, c.187, and amending and
3 supplementing 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. **【**Within the meaning of the provisions of sections
10 45:9-14.6, 45:9-14.7, 45:9-14.8 and 45:9-14.9 hereof, and of this
11 act, which supplements chapter nine of Title 45 of the Revised
12 Statutes, the practice of chiropractic is defined as follows: "A
13 system of adjusting the articulations of the spinal column by
14 manipulation thereof."**】**

15 a. "Chiropractic subluxation" means a complex of functional,
16 structural or pathological articular lesions or a local or systemic
17 aberration of the nervous system caused by injury, pressure,
18 traction, stress, torsion, or by chemical or electrical irritation,
19 stimulation, or inhibition of a nerve that compromise neural
20 integrity as determined by chiropractic analytical procedures.

21 "Practice of chiropractic" means a philosophy, science and
22 healing art concerned with the restoration and preservation of health
23 and wellness through the promotion of well-being, prevention of
24 disease and promotion and support of the inherent or innate
25 recuperative abilities of the body. The practice of chiropractic
26 includes the reduction of chiropractic subluxation, and the
27 examination, diagnosis, analysis, assessment, systems of
28 adjustments, manipulation and treatment of the articulations and
29 soft tissue of the body. It is within the lawful scope of the practice
30 of chiropractic to diagnose, adjust, and treat the articulations of the
31 spinal column and other joints, articulations, and soft tissue and to
32 order and administer physical modalities and therapeutic,
33 rehabilitative and strengthening exercises.

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

36 b. A licensed chiropractor shall have the right in the
37 examination of patients to use the neurocalometer, X-ray, and other
38 necessary instruments solely for the purpose of diagnosis or
39 analysis. No licensed chiropractor shall **【**use endoscopic or cutting
40 instruments**】** perform endoscopy, or prescribe, administer, or
41 dispense drugs or medicines for any purpose whatsoever, or
42 perform **【**surgical operations**】** surgery as requires cutting by
43 instruments or laser excepting adjustment of the articulations of the
44 spinal column or extremities.

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 No person licensed to practice chiropractic shall sign any
2 certificate required by law or the State Sanitary Code concerning
3 reportable diseases, or birth, marriage or death certificates.

4 **【No person licensed to practice chiropractic shall use the title
5 doctor or its abbreviation in the practice of chiropractic unless it be
6 qualified by the word "chiropractor."】**

7 c. A chiropractor licensed by the State Board of Chiropractic
8 Examiners may, subject to the requirements of subsection e. of this
9 section:

10 (1) Use methods of treatment including chiropractic practice
11 methods, physical medicine modalities, rehabilitation, splinting or
12 bracing consistent with the practice of chiropractic, nutrition and
13 first aid and may order such diagnostic or analytical tests, including
14 diagnostic imaging, bioanalytical laboratory tests, and may perform
15 such other diagnostic and analytical diagnostic tests including
16 reagent strip tests, X-ray, computer-aided neuromuscular testing,
17 and nerve conduction studies, and may interpret evoked potentials;

18 (2) Sign or certify temporary or permanent impairments and
19 other certifications consistent with a chiropractic practice such as
20 pre-employment screenings. A chiropractic physician may use
21 recognized references in making his determination; and

22 (3) Provide dietary or nutritional counseling, such as the
23 direction, administration, dispensing and sale of nutritional
24 supplements, including, but not limited to, all food concentrates,
25 food extracts, vitamins, minerals, herbs, enzymes, amino acids,
26 homeopathic remedies and other dietary supplements, including, but
27 not limited to, tissue or cell salts, glandular extracts, nutraceuticals,
28 botanicals and other nutritional supplements; provided the
29 chiropractor has successfully completed a course of study
30 concerning human nutrition, consisting of not less than 45 hours
31 from a college or university accredited by a regional or national
32 accrediting agency recognized by the United States Department of
33 Education and approved by the board.

34 d. It shall be unlawful for any person, not duly licensed in this
35 State to practice chiropractic, to use terms, titles, words or letters
36 which would designate or imply that he or she is qualified to
37 practice chiropractic, or to hold himself or herself out as being able
38 to practice chiropractic, or offer or attempt to practice chiropractic,
39 or to render a utilization management decision that limits, restricts
40 or curtails a course of chiropractic care.

41 e. A chiropractic diagnosis or analysis shall be based upon a
42 chiropractic examination appropriate to the presenting patient,
43 except that a licensed chiropractor who, at any time during the
44 examination has reasonable cause to believe symptoms or
45 conditions are present that require diagnosis, analysis, treatment, or
46 methods beyond the scope of chiropractic as defined in subsection
47 a. of this section, shall refer an individual to a practitioner licensed

1 to practice dentistry, medicine or surgery in this State or other
2 appropriate licensed healthcare professionals. Nothing contained in
3 this subsection shall preclude a licensed chiropractor from
4 rendering concurrent or supportive chiropractic care to any patient
5 so referred.

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

7

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

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

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

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

21 b. whose practice is situated 10 miles or more from a licensed
22 pharmacy;

23 c. when he dispenses allergenic extracts and injectables;

24 d. when he dispenses drugs pursuant to an oncological or AIDS
25 protocol; or

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

27 The provisions of this section shall not apply to a licensed
28 chiropractic physician who dispenses food concentrates, food
29 extracts, vitamins, minerals, herbs, enzymes, amino acids, tissue or
30 cell salts, glandular extracts, nutraceuticals, botanicals,
31 homeopathic remedies, and other nutritional supplements.

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

33

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

36 3. As used in [this act, sections 19, 20 and 24 of P.L.1939,
37 c.115 (C.45:9-14.5, C.45:9-14.6 and C.45:9-14.10)] P.L.1989,
38 c.153 (C.45:41.17 et al.) and sections 7 through 14 and sections 19
39 and 20 of P.L.1953, c.233 [(C.45:9-41.5 et al.)] (C.45:9-41.4
40 through C.45:9-41.13 inclusive):

41 a. "Board" means the State Board of Chiropractic Examiners
42 created pursuant to section 4 of [this act] P.L.1989, c.153 (C.45:9-
43 41.20).

44 b. "Doctor of Chiropractic," "Chiropractor" or "Chiropractic
45 Physician" means a person trained and qualified in the discipline of
46 chiropractic whose license is in force and not suspended or revoked
47 at the time in question.

1 A person licensed to practice chiropractic may use the title
2 doctor, or its abbreviation, in the practice of chiropractic, however,
3 it must be qualified by the words doctor of chiropractic,
4 chiropractor or chiropractic physician, or its abbreviation, D.C. The
5 use of the title doctor of chiropractic, chiropractor, chiropractic
6 physician, or its abbreviation, D.C., may be used interchangeably.
7 (cf: P.L.1989, c.153, s.3)

8
9 4. Section 11 of P.L.1989, c.153 (C.45:9-41.27) is amended to
10 read as follows:

11 11. The scope of practice of chiropractic shall remain as defined
12 in existing statutes. Nothing in this act shall be deemed to prohibit
13 a chiropractor from caring for chiropractic subluxation [as
14 determined by chiropractic analytical procedures]. Chiropractic
15 analysis which identifies the existence of a chiropractic subluxation
16 may be the [only] basis for chiropractic care even in the absence of
17 a subjective complaint or other objective findings.

18 (cf: P.L.1989, c.153, s.11)

19
20 5. (New section) The board shall require each person licensed
21 as a chiropractor, as a condition for biennial registration, to
22 complete 30 credits of continuing chiropractic education as
23 provided in section 6 of this amendatory and supplementary act
24 during each biennial registration period. A minimum of two of the
25 30 credits shall consist of the study of State laws and regulations
26 governing chiropractic professional ethics or record keeping and
27 documentation as it pertains to the practice of chiropractic in this
28 State, and a minimum of two credits shall consist of nutrition
29 education.

30
31 6. (New section) a. The board:

32 (1) Shall establish standards for continuing chiropractic
33 education, including, but not limited to, the subject matter and
34 content of courses of study that are taught by chiropractic schools,
35 colleges, institutions and universities or tested on for licensure;

36 (2) May accredit educational programs offering credit towards
37 the continuing chiropractic education requirements;

38 (3) May accredit other educational programs, including, but not
39 limited to educational programs offered by professional
40 organizations or societies, health care professions, schools,
41 colleges, institutions, universities or healthcare facilities;

42 (4) May allow satisfactory completion of continuing
43 chiropractic education requirements through equivalent education
44 programs such as examinations, papers, publications, scientific
45 presentations, teaching and research appointments, scientific
46 exhibits and independent study or Internet courses such as distance

- 1 learning, including, but not limited to, video and audio tapes or
2 Internet education programs; and
- 3 (5) Shall establish procedures for the issuance of credit upon
4 satisfactory proof of the completion of these programs.
- 5 b. Each 50 minutes of instruction in a board approved
6 education course or program shall be equivalent to one credit.
7
- 8 7. (New section) The board shall:
- 9 a. Establish procedures for monitoring compliance of the
10 continuing education requirements; and
- 11 b. Establish procedures to evaluate and grant approval to
12 providers of continuing education courses.
13
- 14 8. (New section) The board may, in its discretion, waive
15 requirements for continuing chiropractic education on an individual
16 basis for reasons of hardship, such as illness or disability,
17 retirement of the license, or other good cause.
18
- 19 9. (New section) a. The board shall not require a new licensee
20 to complete required continuing chiropractic education credits for
21 any registration period commencing within 12 months of the
22 licensee's participation in and completion of an accredited graduate
23 chiropractic education program.
- 24 b. Any person who fails to complete the continuing
25 chiropractic education requirements established pursuant to section
26 5 of this amendatory and supplementary act shall be liable to a civil
27 penalty of not more than \$500 or a designated number of additional
28 hours of continuing chiropractic education, or both, as imposed by
29 the board for a first offense. A second or subsequent offense by a
30 licensee may be considered professional misconduct.
- 31 c. The board shall promulgate regulations concerning
32 continuing education requirements within 180 days of the effective
33 date of this amendatory and supplementary act.
34
- 35 10. Section 7 of P.L. 1989, c. 153 (C. 45:9-41.23) is amended to
36 read as follows:
- 37 7. The board shall:
- 38 a. Appoint and prescribe the duties of an executive secretary.
39 The executive secretary shall serve at its pleasure;
- 40 b. Review the qualifications of applicants for licensure;
- 41 c. Insure the proper conduct and standards of examinations;
- 42 d. Issue and renew annual licenses for chiropractors pursuant to
43 this act, sections 19, 20 and 24 of P.L.1939, c.115 (C.45:9-14.5,
44 C.45:9-14.6 and C.45:9-14.10) and P.L.1953, c.233 (C.45:9-41.5 et
45 al.);
- 46 e. Refuse to admit a person to an examination, or refuse to issue
47 a license, or suspend, revoke or fail to renew the license of a

- 1 chiropractor pursuant to the provisions of P.L.1978, c.73 (C.45:1-14
2 et seq.);
- 3 f. Maintain a record of chiropractors licensed in this State, their
4 places of business, places of residence and the date and number of
5 their licenses;
- 6 g. Prescribe or change the charges for examinations, licensures,
7 renewals and other services it performs pursuant to P.L.1974, c.46
8 (C.45:1-3.1 et seq.);
- 9 h. Establish standards pursuant to which a chiropractor shall
10 maintain medical malpractice liability insurance coverage, at
11 appropriate amounts, as set forth in regulations;
- 12 g. Adopt and promulgate rules and regulations pursuant to the
13 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
14 seq.) necessary to effectuate the purposes of this act, sections 19, 20
15 and 24 of P.L.1939, c.115 (C.45:9-14.5, C.45:9-14.6 and C.45:9-
16 14.10) and P.L.1953, c.233 (C.45:9-41.5 et al.).
17 (cf: P.L.1989,c.153,s.7.)
18
- 19 11. This act shall take effect immediately.