

[Second Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2029

STATE OF NEW JERSEY
213th LEGISLATURE

ADOPTED MAY 7, 2009

Sponsored by:

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

Co-Sponsored by:

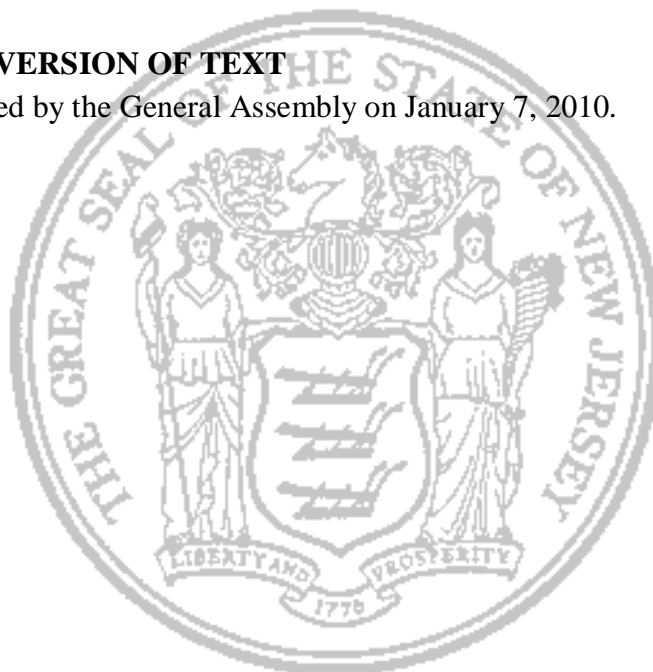
Assemblymen Diegnan, DeAngelo and Scalera

SYNOPSIS

Concerns chiropractic scope of practice.

CURRENT VERSION OF TEXT

As amended by the General Assembly on January 7, 2010.



(Sponsorship Updated As Of: 11/24/2009)

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.¹

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 '[,]
29 and soft tissue'²['structures']²'[or tissues]' of the body. It is
30 within the lawful scope of the practice of chiropractic to diagnose,
31 adjust, and treat the articulations of the spinal column and other
32 joints, articulations, and soft tissue ²['structures']² and to order and
33 administer physical modalities and therapeutic, rehabilitative and
34 strengthening exercises.

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

37 ¹["Subluxation" means a complex of functional, structural or
38 pathological articular lesions or a local or systemic aberration of the
39 nervous system caused by injury, pressure, traction, stress, torsion,
40 or by chemical or electrical irritation, stimulation, or inhibition of a
41 nerve that compromise neural integrity.】¹

42 b. A licensed chiropractor shall have the right in the
43 examination of patients to use the neurocalometer, X-ray, and other

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:

¹ Assembly floor amendments adopted December 7, 2009.

² Assembly floor amendments adopted January 7, 2010.

1 necessary instruments solely for the purpose of diagnosis or
2 analysis. No licensed chiropractor shall ~~use endoscopic or cutting~~
3 ~~instruments~~ perform endoscopy, or prescribe, administer, or
4 dispense drugs or medicines for any purpose whatsoever, or
5 perform ~~surgical operations~~ surgery as requires cutting by
6 instruments or laser excepting adjustment of the articulations of the
7 spinal column or extremities.

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

11 ~~No person licensed to practice chiropractic shall use the title~~
12 ~~doctor or its abbreviation in the practice of chiropractic unless it be~~
13 ~~qualified by the word "chiropractor."~~

14 c. A chiropractor licensed by the State Board of Chiropractic
15 Examiners may¹, subject to the requirements of subsection e. of
16 this section¹:

17 (1) Use methods of treatment including chiropractic practice
18 methods, physical medicine modalities, rehabilitation, splinting or
19 bracing¹ consistent with the practice of chiropractic¹, nutrition and
20 first aid and may order such diagnostic or analytical tests, including
21 diagnostic imaging, bioanalytical laboratory tests, and may perform
22 such other diagnostic and analytical diagnostic tests¹ [such as]
23 including¹ reagent strip tests, X-ray, computer-aided neuromuscular
24 testing, and nerve conduction studies, and may interpret evoked
25 potentials;

26 (2) Sign or certify temporary or permanent impairments and
27 other certifications consistent with a chiropractic practice such as
28 '[pre-participation and]' pre-employment screenings. A
29 chiropractic physician may use recognized¹ [medical guides]
30 references¹ in making his determination; and

31 (3) Provide dietary or nutritional counseling, such as the
32 direction, administration, dispensing and sale of nutritional
33 supplements, including, but not limited to, all food concentrates,
34 food extracts, vitamins, minerals, herbs, enzymes, amino acids,
35 homeopathic remedies and other dietary supplements, including, but
36 not limited to, tissue or cell salts, glandular extracts, nutraceuticals,
37 botanicals and other nutritional supplements; provided the
38 chiropractor has successfully completed a course of study
39 '[approved by the board]' concerning human nutrition, consisting
40 of not less than 45 '[credit]' hours¹ from a college or university
41 accredited by a regional or national accrediting agency recognized
42 by the United States Department of Education and approved by the
43 board¹.

44 d. It shall be unlawful for any person, not duly licensed in this
45 State to practice chiropractic, to use terms, titles, words or letters
46 which would designate or imply that he or she is qualified to

1 practice chiropractic, or to hold himself or herself out as being able
2 to practice chiropractic, or offer or attempt to practice chiropractic,
3 or to render a utilization management decision that limits, restricts
4 or curtails a course of chiropractic care.

5 ¹e. A chiropractic diagnosis or analysis shall be based upon a
6 chiropractic examination appropriate to the presenting patient,
7 except that a licensed chiropractor who, at any time during the
8 examination has reasonable cause to believe symptoms or
9 conditions are present that require diagnosis, analysis, treatment, or
10 methods beyond the scope of chiropractic as defined in subsection
11 a. of this section, shall refer an individual to a practitioner licensed
12 to practice dentistry, medicine or surgery in this State or other
13 appropriate licensed healthcare professionals. Nothing contained in
14 this subsection shall preclude a licensed chiropractor from
15 rendering concurrent or supportive chiropractic care to any patient
16 so referred.¹

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

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

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

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

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

32 b. whose practice is situated 10 miles or more from a licensed
33 pharmacy;

34 c. when he dispenses allergenic extracts and injectables;

35 d. when he dispenses drugs pursuant to an oncological or AIDS
36 protocol; or

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

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

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

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

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

6 a. “Board” means the State Board of Chiropractic Examiners
7 created pursuant to section 4 of [this act] P.L.1989, c.153 (C.45:9-
8 41.20).

9 b. “Doctor of Chiropractic,” “Chiropractor” or “Chiropractic
10 Physician” means a person trained and qualified in the discipline of
11 chiropractic whose license is in force and not suspended or revoked
12 at the time in question.

13 A person licensed to practice chiropractic may use the title
14 doctor, or its abbreviation, in the practice of chiropractic, however,
15 it must be qualified by the words doctor of chiropractic,
16 chiropractor or chiropractic physician, or its abbreviation, D.C. The
17 use of the title doctor of chiropractic, chiropractor, chiropractic
18 physician, or its abbreviation, D.C., may be used interchangeably.
19 (cf: P.L.1989, c.153, s.3)
20

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

23 11. The scope of practice of chiropractic shall remain as defined
24 in existing statutes. Nothing in this act shall be deemed to prohibit
25 a chiropractor from caring for chiropractic subluxation ¹[as
26 determined by chiropractic analytical procedures]¹. Chiropractic
27 analysis which identifies the existence of a ¹‘chiropractic’¹
28 subluxation may be the [only] basis for chiropractic care even in
29 the absence of a subjective complaint or other objective findings.
30 (cf: P.L.1989, c.153, s.11)
31

32 5. (New section) The board shall require each person licensed
33 as a chiropractor, as a condition for biennial registration, to
34 complete 30 credits of continuing chiropractic education as
35 provided in section 6 of this amendatory and supplementary act
36 during each biennial registration period. A minimum of two of the
37 30 credits shall consist of the study of State laws and regulations
38 governing chiropractic professional ethics or record keeping and
39 documentation as it pertains to the practice of chiropractic in this
40 State, and a minimum of two credits shall consist of nutrition
41 education.
42

43 6. (New section) a. The board:

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

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

3 (3) May accredit 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;

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

14 (5) Shall establish procedures for the issuance of credit upon
15 satisfactory proof of the completion of these programs.

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

18
19 7. (New section) The board shall:

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

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

24
25 8. (New section) The board may, in its discretion, waive
26 requirements for continuing chiropractic education on an individual
27 basis for reasons of hardship, such as illness or disability,
28 retirement of the license, or other good cause.

29
30 9. (New section) a. The board shall not require a new licensee
31 to complete required continuing chiropractic education credits for
32 any registration period commencing within 12 months of the
33 licensee's participation in and completion of an accredited graduate
34 chiropractic education program.

35 b. Any person who fails to complete the continuing
36 chiropractic education requirements established pursuant to section
37 5 of this amendatory and supplementary act shall be liable to a civil
38 penalty of not more than \$500 or a designated number of additional
39 hours of continuing chiropractic education, or both, as imposed by
40 the board for a first offense. A second or subsequent offense by a
41 licensee may be considered professional misconduct.

42 c. The board shall promulgate regulations concerning
43 continuing education requirements within 180 days of the effective
44 of this amendatory and supplementary act.

45
46 ²10. Section 7 of P.L. 1989, c. 153 (C. 45:9-41.23) is amended to
47 read as follows:

- 1 7. The board shall:
- 2 a. Appoint and prescribe the duties of an executive secretary.
- 3 The executive secretary shall serve at its pleasure;
- 4 b. Review the qualifications of applicants for licensure;
- 5 c. Insure the proper conduct and standards of examinations;
- 6 d. Issue and renew annual licenses for chiropractors pursuant to
- 7 this act, sections 19, 20 and 24 of P.L.1939, c.115 (C.45:9-14.5,
- 8 C.45:9-14.6 and C.45:9-14.10) and P.L.1953, c.233 (C.45:9-41.5 et
- 9 al.);
- 10 e. Refuse to admit a person to an examination, or refuse to
- 11 issue a license, or suspend, revoke or fail to renew the license of a
- 12 chiropractor pursuant to the provisions of P.L.1978, c.73 (C.45:1-14
- 13 et seq.);
- 14 f. Maintain a record of chiropractors licensed in this State,
- 15 their places of business, places of residence and the date and
- 16 number of their licenses;
- 17 g. Prescribe or change the charges for examinations, licensures,
- 18 renewals and other services it performs pursuant to P.L.1974, c.46
- 19 (C.45:1-3.1 et seq.);
- 20 h. Establish standards pursuant to which a chiropractor shall
- 21 maintain medical malpractice liability insurance coverage, at
- 22 appropriate amounts, as set forth in regulations;
- 23 g. Adopt and promulgate rules and regulations pursuant to the
- 24 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
- 25 seq.) necessary to effectuate the purposes of this act, sections 19, 20
- 26 and 24 of P.L.1939, c.115 (C.45:9-14.5, C.45:9-14.6 and C.45:9-
- 27 14.10) and P.L.1953, c.233 (C.45:9-41.5 et al.).²
- 28 (cf: P.L.1989, c.153, s.7)
- 29
- 30 ²[10.] 11.²This act shall take effect immediately.