

For all scenarios:

1. Identify the problem(s) with the statute. Is anything missing?
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### **1. School's accrediting body needs to be recognized by US Department of Education**

Dr. Kanga graduated from the chiropractic program at Macquarie two years ago. He passed all 4 Parts of the US NBCE exams.

He applied to US New State but was advised that Macquarie never asked for approval by New State.

The statute says:

The board shall accept as an applicant for licensure as a chiropractor any individual who has graduated from a school, institution or college of chiropractic which was approved during the individual's entire course of study by the board, and accredited by the Council of Chiropractic Education, or the Straight Chiropractic Academic Standards Association, or other accrediting agency approved by the United States Department of Education.

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## 2. Temporary practice only treating home jurisdiction's athletes

The clinic chief from an accredited chiropractic program, Dr. Winner, has been asked to serve as the team chiropractor for a nationally ranked football team, based at Famous University. (These are athletes whose games are regularly televised.) Dr. Winner has a license/registration in good standing in his home jurisdiction.

Dr. Winner's work has been so successful that the athletic department at Famous University now offers Tuesday as Chiropractic Day – any athlete can make an appointment to see the chiropractor.

Now Famous University wants to travel with their entire healthcare team to another jurisdiction, Playoff State, for end of the season championship games in two months. The team will be there for four days.

The malpractice carrier said as long as Dr. Winner is operating under the authority of the accredited chiropractic program his malpractice insurance will cover him.

Dr. Winner checked with Playoff State's licensing / registration board to make certain he can care for Famous University's athletes and was told he would need to send in \$800 and wait 6 months to see if he will qualify for permission to practice in their jurisdiction.

Excerpts from two Statutes:

### **STATE 1: [Must have chiropractic license] This chapter does not prevent:**

1. A person who is licensed by another state, territory or district from meeting within this state in consultation with a person licensed pursuant to this chapter if that person does not open an office or appoint a place of meeting to receive patients in this state.

#### Reciprocity; requirements

A. The board shall issue a license to practice chiropractic under this section to an applicant who meets the following requirements:

1. Holds a current license to practice chiropractic issued after examination by a licensing board in another state or country in which, in the opinion of the board, the licensing requirements are at least substantially equivalent to those of this state and the other state or country grants similar reciprocal privileges to chiropractors licensed in this state.

### **STATE 2: Issuance of licenses to licensees of other states**

Notwithstanding any provision contained in any other section of this act, the board, upon receipt of the specified fee, shall issue a license to any person licensed to practice chiropractic under the laws of another state, provided said state then had the same general requirements as required in this state at the time said license was issued, and provided that such other state in like manner grants reciprocal registration to chiropractic practitioners of this state.

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### 3. Graduated from chiropractic program in another nation

Dr. Copenhagen graduated with a bachelors and masters in chiropractic from a chiropractic program accredited by the ECCE. She has been in practice for three years. Now she wants to move to New State in the US because her father, who graduated from Palmer many years ago, is in practice there.

She has passed all four Parts of the US NBCE examinations and scored 98% on the test offered by New State about its laws and rules.

New State says they have never heard of the ECCE-accredited program and they cannot afford to travel to Europe to check it out.

The statute says:

#### [Applicant must have]

- A diploma and transcript, certified by the registrar, or other documents satisfactory to the board evidencing graduation from a chiropractic school or college approved by the board under the board's academic standards,
- or from a school accredited by the Council on Chiropractic Education or its successor agency, under standards that are accepted and adopted biennially by the board in the version applied to that school by the accrediting agency.

**Use of nationally administered test.** In lieu of an examination in any or all required subjects, the State Board of Chiropractic Examiners may accept a passing grade on a test administered by a national testing agency approved by the board if the test is no less strict than a test administered under New State's statutes.

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#### 4. Academic qualifications

Dr. Mary Genius attended Ensino Médio (secondary school) in Brasil – a three year high school program. She scored highly on her vestibular and Enem national level examinations.

She decided to relocate to New Zealand, where she completed her 3 year university degree, majoring in biology. She did not pursue her 4<sup>th</sup> year honors degree.

She was accepted to Murdoch University, where she performed brilliantly, finally graduating with the double-degree of Bachelor of Science (Chiropractic Science) / Bachelor of Chiropractic.

Now she wants to relocate to one of two US states.

The applicable statutes say:

##### Pre-chiropractic:

**State 1:** An applicant for a license to practice chiropractic must have completed at least two (2) years (sixty (60) semester hours) of education in a college or university of learning accredited by an accrediting agency that has been approved by the United States Department of Education before the applicant's training and education in a chiropractic school or college.

**State 2:** Each applicant shall be a graduate of a recognized school of chiropractic, in which he actually attended a course of study for at least four (4) years of nine (9) months each, preceded by a four-year high school course or its equivalent, and at least two (2) years of study in either a course of liberal arts or science at the State University or in a college or university accredited by the board.

##### Chiropractic education:

**State 1:** Nothing in this provision shall be construed to supersede the current Chiropractic Practices Act, which invests this Board with the responsibility for approval of any college, which is authorized by law to issue the doctorate degree in chiropractic.

**State 2:** Candidate must possess a valid 'Doctor of Chiropractic' degree from a chiropractic institution whose requirements include a course of instruction of not less than four (4) years of nine (9) academic months each or not less than four thousand four hundred (4,400) fifty-minute resident class hours and include one hundred twenty (120) classroom hours of physiological therapeutics; ...

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## 5. Licensure by reciprocity or endorsement

Dr. Super Star graduated from AECC in 1995. He has an unblemished record. Now he would like to relocate to the US, and he's looking at several different possibilities.

Dr. Star suddenly realizes he doesn't know the difference between reciprocity and endorsement, but he certainly doesn't want to take a whole bunch of US NBCE exams after he has been out of school for 16 years.

The statutes say:

### STATE 1

#### LICENSURE BY ENDORSEMENT

Any person seeking to be licensed to practice chiropractic in this state who is licensed to practice chiropractic in another state must successfully complete the following requirements before a license to practice chiropractic will be issued:

[Written exam, fees] and proof of graduation from an acceptable school of chiropractic and which contains proof that the applicant has for five (5) consecutive years immediately prior to application, practiced chiropractic and holds a valid, unrevoked, unsuspended license to practice chiropractic in a state, territory or district of the United States or Canada, and a national board of chiropractic examiner's certificate.

### STATE 2

#### RECIPROCITY

Persons licensed to practice chiropractic under the laws of any other state having requirements equal to those provided for [reference state statute] may, in the discretion of the board, be issued a license to practice in this state without examination upon payment of a fee in an amount determined by the board pursuant.

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## 6. Worldwide travel on ships

A wealthy entrepreneur, Mr. Moneybags, has discovered the value of chiropractic and wants to hire his own chiropractor, Dr. Goodlife, to treat himself and his family.

Mr. Moneybags owns eight huge yachts – each with its own captain. The family spends much of the year sailing about the world. They have five homes in the United States, and several additional homes in other countries. He considers himself a US citizen (passport), but doesn't have a primary home in any one state.

Mr. Moneybags also wants Dr. Goodlife to treat the captains of the ships, but probably not the crews. But he also may be asked to care for the wealthy party-goers who occasionally board the ships, and anyone who has injuries that would warrant chiropractic care. (There is also a medical doctor on staff.)

Dr. Goodlife, has licenses / registrations in good standing in three US states, two of which are landlocked.

Dr. Goodlife contacts his malpractice insurance carrier. The representative says the company has no idea what he should do.

He wants to know what types of licenses he needs, what he can do while the ships are in port vs. in international waters.

No sample statutes available – what should a statute say?