

US Legislative Models



**Lawrence O'Connor, D.C.
FCLB Vice President**



54 US Jurisdictions

- **US Constitution reserves licensure and regulation to the individual, sovereign states**
- **States are very autonomous – similar to countries**
- **Governed by elected legislatures**



US Practice Acts

- **Illinois Medical Act was first to authorize chiropractic practice in 1899**
- **March 1915: first chiropractic boards – Kansas and North Dakota**
- **Last US State to legalize chiropractic: Louisiana 1974**



How can statutes be updated?

- **Most require vote by state legislature**
- **California's statute is an Initiative Act**
 - **to change it requires public vote of entire state citizenry**



Legal governance

Statute

Broad language
Difficult to change · May take decades

Regulation

More specific language, nexus to statute
Requires public notice, comment period
May take months

Board Policy

Interpretive opinions, guidelines
May take several board meetings



Board Structures

- **Centralized Agencies**
 - **Departments of Regulation**
 - Shared staff, investigators
- **Semi-independent boards**
 - **Legal counsel from the state AG's office**
- **Independent boards**
 - **Hire own staff and counsel**
- **Three composite boards**
 - **Multiple professions under 1 board**

Role of the FCLB

- **Encourage greater uniformity in regulatory requirements**
- **No binding authority**
- **FCLB does not take positions on jurisdictional scope issues**
- **Provide samples of contemporary solutions**
 - **Shared ideas among members**
 - **Task force / committee projects**



FCLB Model Practice Act

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STATUTE

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Roadmap of the Handout

- **Includes such important concepts as:**

- Definitions
- Indemnification
- Qualifications for provisional licenses
- Recognition of specialty certifications
- Chiropractic assistants
- Immunity

- Delegation of application process
- Documentation and recordkeeping
- Peer review
- Compliance programs
- Board advisory rulings and practice guidelines



P. 6 - Statute: Chiropractic

- **Task Force draft, not formally adopted by FCLB BOD**
- **Intended to lay out broadly inclusive language**
 - **Focus on overarching chiropractic concepts**
 - **Without drugs or surgery**
 - **Allows jurisdictions to permit DCs to prescribe vitamins, supplements, homeopathic remedies, etc., if they wish**



Statute: Definition - Chiropractic

P. 6 – Article I Section 102

“Chiropractic”, a primary care health discipline that recognizes the inherent recuperative power of the body,

whose practitioners promote and facilitate health through the evaluation, diagnosis and management of structural conditions or other disorders of the body that interfere with physiological function or neural integrity.

Chiropractic practice does not include the use of legend pharmaceuticals or operative surgery.



Regulations: Scope of Practice

P. 9 – 10 Excerpt:

A chiropractor may perform such procedures, functions, and services as...

Examining, evaluating, and diagnosing patients of all ages

for the purpose of determining the presence or absence of neuromuscular and/or musculoskeletal illnesses, injuries, conditions or disorders

which interfere with the biomechanical and/or neurological integrity or functioning of the body

including, but not limited to the Subluxation Complex;

4 other major concepts also listed



FCLB 2011 Conference

- **Marco Island, Florida: May 4 – 8**
- **3 more opportunities for conversation with MPA task force**
- **Hope to fast-track 2 sections:**
 - **Mobility**
 - **Certification of Chiropractic Assistants**



FCLB welcomes your comments!

Dr. Kirk Shilts, Task Force Chair

dr-shilts@comcast.net

FCLB Offices

info@fclb.org

Or just give us a call!

(970) 356-3500

