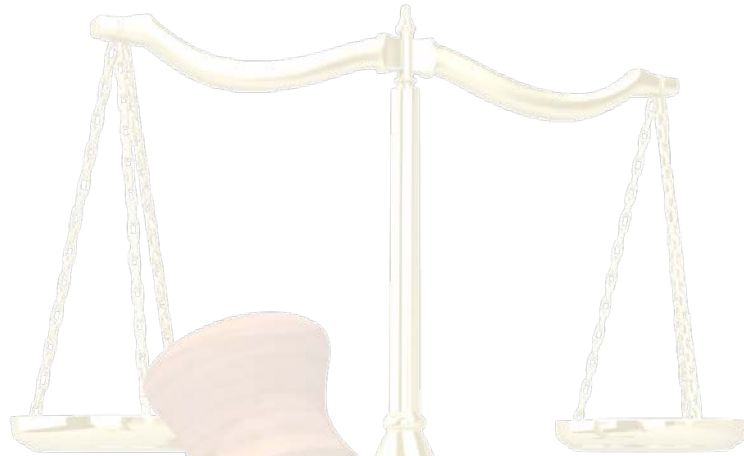


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**MODEL PRACTICE ACT
FOR
CHIROPRACTIC
REGULATION**

***FEDERATION OF CHIROPRACTIC
LICENSING BOARDS***

FALL 2010

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Introduction

From its inception in 1926, the Federation of Chiropractic Licensing Boards has served as a vehicle for its member boards to share regulatory models for their mutual benefit and fulfil a shared vision of public protection through excellence in chiropractic regulation. In that spirit, the FCLB charged a taskforce from its members to develop a Model Practice Act for regulating the chiropractic profession.

The *Model Practice Act for Chiropractic Regulation* (Model Act) serves as a reference guide for governments, legislatures and licensing boards engaged in adopting a new chiropractic act, amending an existing statute, or promulgating standards and regulations relative to the practice of chiropractic. The Model Act includes common regulatory constructs, practice standards, definitions and language to promote more consistency across diverse regulatory jurisdictions. The multi-national composition of the taskforce and its varied perspectives lent itself to a more thoughtful and practical resource. The Model Act is intended to be a living document, open to input and geared toward periodic modification. This flexibility is important because it enables the Model Act to serve as a valuable tool that benefits both the emerging and long-standing regulatory communities. The FCLB Board of Directors is pleased to provide this document for the betterment of the public, the actual consumer of chiropractic services.

The draft Model Practice Act for Chiropractic Regulation was completed by the FCLB Model Code Taskforce on (month) (date), (year)

The final draft of the Model Practice Act for Chiropractic Regulation was approved by the FCLB Board of Directors on (month) (date), (year)

The Model Practice Act for Chiropractic Regulation was accepted the FCLB Delegate Assembly by formal vote on (day), May (date), (year)

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Model Practice Act for Chiropractic Regulation

FEDERATION OF CHIRPPRACTIC LICENSING BOARDS

STATUTES

Article I. Title, Definitions and Declaration.

Section 101. Title of Act

This Act shall be known as the “(Name of Jurisdiction) Chiropractic Practice Act.”

Section 102. Statutory Definitions

For the purpose of this Act, the following terms shall have the following meanings:

“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.

“Chiropractic Assistant”, a person registered under the provisions of this Act, who under the direct supervision of a licensed chiropractor may assist the chiropractor in providing certain clinical procedures or services within a chiropractic setting.

“Chiropractic Specialty Practice”, includes the performance of dry needle insertion therapy or the authority to prescribe certain non-pharmaceutical agents contained within a chiropractic formulary.

“Chiropractor” or “Doctor of Chiropractic”, “D.C.”, or “chiropractic physician”, a person licensed under the provisions of this Act who practices Chiropractic.

Section 103. Chiropractic Profession

Chiropractic is hereby established within (Name of Jurisdiction) as a distinct health profession and shall be subject to government control and regulation for the purpose of protecting the health, welfare and safety of the citizens of this jurisdiction. Only qualified persons may lawfully engage in the practice of Chiropractic as a licensed Chiropractor.

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Article II. Board of Chiropractic

Section 216. Rules and Regulations

The Board shall make, adopt, amend, and repeal rules and regulations as deemed necessary by the Board for the proper administration and enforcement of this Act. All rules and regulations shall be promulgated in accordance with the applicable administrative procedures specified elsewhere in applicable law.

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RULES and REGULATIONS

1.00 Regulatory Definitions

Section 1.01 Definitions

For purposes of Rules and Regulations 1.00 through 10.00 the following terms shall have the following meanings. *(this is an incomplete list of definitions)*

Certified Chiropractic Clinical Assistant (CCCA) means.....

Chiropractic means “chiropractic” as defined under the chiropractic practice Act, Article 1, Section 101.

Chiropractic Adjustment means a specific correction or manipulation, done either by hand or by instrumentation, which is applied directly to the body for the purpose of maintaining or improving health.

Chiropractic Assistant means a person registered under the chiropractic practice Act, Article 1, Section 101 who may legally assist a licensed chiropractor in providing certain clinical procedures or services within a chiropractic setting.

Chiropractic Facility means...

Chiropractic Formulary means a group of non-pharmaceutical agents that are naturally derived, which have been approved with consensus of the (Name of Jurisdiction) Pharmacy Board for use by a licensed chiropractor duly certified by the chiropractic practice Act to prescribe such agents.

Chiropractor (Doctor of Chiropractic, “D.C.”, chiropractic physician) means a person licensed to practice chiropractic under the provisions of the chiropractic practice Act, Article 1, Section 101.

Direct Supervision means the oversight provided by doctor of chiropractic over the clinical services performed or provided by a registered chiropractic assistant. The chiropractor providing supervision shall be on the premises at all times and readily available to instruct the chiropractic assistant being supervised. The supervising chiropractor is not required to be in constant attendance over the chiropractic assistant throughout the performance of the clinical service that the chiropractic assistant is providing.

Federation of Chiropractic Licensing Boards (FCLB) means.....

International Board of Chiropractic Examiners means

Legend Pharmaceutical means a drug or artificial chemical substance which is controlled by the government agency that regulates pharmaceuticals in (Name of Jurisdiction) and requires a prescription for dissemination to a patient.

National Board of Chiropractic Examiners (NBCE) means....

Patient Record means...

Peer Review means an evaluation by a licensed chiropractor, other than the attending chiropractor, at the request of a third party, for the purpose of assessing the necessity,

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appropriateness, quality, utilization, cost and/or efficiency of chiropractic services and ethical performance of chiropractic care. Peer review includes the performance of independent chiropractic examinations and independent chiropractic paper/file reviews.

Providers of Approved Chiropractic Education (PACE) means....

Regulation means...

Supportive Procedures and Therapies means those modes of care which may be administered, dispensed or prescribed in addition to the Chiropractic Adjustment, including, but not limited to, the use of braces, casting, supports, traction, thermal modalities, ultrasound, light therapy, electrical modalities, hydrotherapy, myotherapy, manual therapies, dietary and nutritional advice, and rehabilitative activities for the purpose of assisting a patient to achieve a timely and favorable clinical outcome.

Subluxation Complex means a kinesiopathic; myopathic; histopathic or pathophysiological disorder, or combinations thereof, of the spine, pelvis or other body articulation that result in neuropathic compromise and suboptimal health.

5.00 Standards of Practice and Professional Conduct

Section 5.01 Scope of Practice

A duly licensed chiropractor is an independent health care practitioner who shall serve as a primary portal for patients of all ages seeking health care services. These services shall not include the use of legend pharmaceuticals or operative surgery, or other services or procedures which require the possession of a specific license, other than a license to practice chiropractic, pursuant to jurisdictional law.

- (A) A chiropractor who is duly licensed with the Board may perform any and all procedures, functions and services intended to achieve optimal health within the definition of “Chiropractic Practice” as set forth in the chiropractic practice Act, Article I, Section 101. Such procedures, functions and services include, but are not limited to:
- (1) 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;
 - (2) Ordering, performing and/or interpreting laboratory, radiological, electrodiagnostic or any other diagnostic studies for which the chiropractor has been appropriately trained;
 - (3) Treating such neuromuscular and/or musculoskeletal illnesses, injuries, conditions or disorders through:
 - (a) the administration of the Chiropractic Adjustment to the body for the purpose of maintaining, restoring or improving biomechanical and/or neurological integrity or functioning of the body;

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- (b) the administration, dispensing or prescribing of Supportive Procedures and Therapies, as defined in regulation Section 1.01;
 - (c) the performance of any other therapeutic procedure or service for which the chiropractor has been appropriately trained by a chiropractic institution, pursuant to regulation Section 3.01;
 - (d) the performance of needle insertion therapy, or the authority to dispense certain non-pharmaceutical agents contained within the Chiropractic Formulary, pursuant to the requirements of the chiropractic practice Act, Article IV (Specialty Chiropractic Practices) and regulation Section 5.02; and
 - (e) the referral of a patient for care that is beyond the chiropractor’s scope, or for alternative and/or additional care the chiropractor believes is most suited for the patient’s condition.
- (4) Counseling and instructing patients of all ages regarding health matters, including but not limited to the following: nutrition, supplementation, diet and weight management, exercise, activities of daily living, ergonomics, risk factor screening, wellness, and good health habits.

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