

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HOUSE BILL 2111

AN ACT

AMENDING TITLE 32, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-908; AMENDING SECTIONS 32-921, 32-922, 32-922.01, 32-922.02 AND 32-923, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF CHIROPRACTIC EXAMINERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 8, article 1, Arizona Revised Statutes,
3 is amended by adding section 32-908, to read:

4 32-908. Fee increases; limitation; exceptions; definition

5 NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE STATE BOARD OF
6 CHIROPRACTIC EXAMINERS SHALL NOT INCREASE ANY CATEGORY OF FEES COLLECTED
7 PURSUANT TO THIS CHAPTER, MORE THAN ONCE EVERY TWO YEARS UNLESS THE BOARD
8 DETERMINES THAT AN INCREASE IN FEES IS NECESSARY TO AVOID A THREAT TO THE
9 PUBLIC HEALTH OR SAFETY. FOR THE PURPOSES OF THIS SECTION, "THREAT TO THE
10 PUBLIC HEALTH OR SAFETY" MEANS THE EXISTENCE OF A CONDITION, CIRCUMSTANCE OR
11 PRACTICE THAT WOULD CAUSE DEATH, SERIOUS ILLNESS OR SEVERE INJURY TO PERSONS
12 OR ADVERSELY AFFECT THE ABILITY OF THE BOARD TO SATISFACTORILY PERFORM THE
13 DUTIES AS PRESCRIBED IN SECTIONS 32-904 AND 32-905.

14 Sec. 2. Section 32-921, Arizona Revised Statutes, is amended to read:

15 32-921. Application for license; qualifications of applicant;
16 fee; background investigations

17 A. A person who wishes to practice chiropractic in this state shall
18 submit a complete application to the board at least forty-five days before
19 the next scheduled examinations on a form and in the manner prescribed by the
20 board.

21 B. To be eligible for an examination and licensure, the applicant
22 shall:

23 1. Be a person of good character and reputation.

24 2. Be a graduate of a chiropractic college that both:

25 (a) Is accredited by or has status with the council on chiropractic
26 education or is accredited by an accrediting agency recognized by the United
27 States department of education or the council on postsecondary accreditation
28 or has the equivalent of these standards as determined by the board.

29 (b) Teaches a resident course of four years of not less than nine
30 months each year, or the equivalent of thirty-six months of continuous study,
31 and that comprises not less than four thousand credit hours of resident study
32 required to receive a degree of doctor of chiropractic (D.C.).

33 3. Be physically and mentally able to practice chiropractic skillfully
34 and safely.

35 4. Have a certificate of attainment for part I and part II and a score
36 of three hundred seventy-five or more on part III of the examination
37 conducted by the national board of chiropractic examiners.

38 C. The board may refuse to give an examination or may deny licensure
39 to an applicant who:

40 1. Fails to qualify for an examination or licensure under subsection B
41 of this section.

42 2. Has had a license to practice chiropractic refused, revoked,
43 suspended or restricted by a regulatory board in this or any other
44 jurisdiction for any act that constitutes unprofessional conduct pursuant to
45 this chapter.

1 3. Is currently under investigation by a regulatory board in this or
2 any other jurisdiction for an act that constitutes unprofessional conduct
3 pursuant to this chapter.

4 4. Has surrendered a license to practice chiropractic in lieu of
5 disciplinary action by a regulatory board in this or any other jurisdiction
6 for an act that constitutes unprofessional conduct pursuant to this chapter.

7 5. Has been convicted of criminal conduct that constitutes grounds for
8 disciplinary action pursuant to section 32-924 or board rules.

9 D. On making application, the applicant shall pay to the executive
10 director of the board a nonrefundable fee ~~of two hundred fifty dollars~~
11 **PRESCRIBED BY THE BOARD BY RULE**. The board shall keep a register of all
12 applicants and the result of each examination.

13 E. In order to determine an applicant's eligibility for examination
14 and licensure, the board may require the applicant to submit a full set of
15 fingerprints to the board. The board shall submit the fingerprints to the
16 department of public safety for the purpose of obtaining a state and federal
17 criminal records check pursuant to section 41-1750 and Public Law 92-544.
18 The department of public safety may exchange this fingerprint data with the
19 federal bureau of investigation. The board shall charge each applicant a fee
20 that is necessary to cover the cost of the investigation. The board shall
21 forward this fee to the department of public safety.

22 Sec. 3. Section 32-922, Arizona Revised Statutes, is amended to read:

23 32-922. Examinations; licensure

24 A. The examination for a license to practice chiropractic required of
25 applicants shall be conducted at a time and place designated by the board at
26 least semiannually. Each applicant to be examined shall first file a
27 completed application found to be true and correct and shall be given at
28 least twenty days' written notice of the time and place of the examination.

29 B. The examination shall be in English, practical in character and
30 designed to include subjects that are necessary to ascertain the applicant's
31 knowledge of and fitness to practice chiropractic safely and skillfully as
32 authorized in this state. Examinations shall include material relating to
33 chiropractors and Arizona jurisprudence and the following subjects as taught
34 by accredited chiropractic colleges:

- 35 1. Anatomy.
- 36 2. Physiology.
- 37 3. Pathology.
- 38 4. Bacteriology.
- 39 5. Symptomatology.
- 40 6. Diagnosis, including physical, clinical, x-ray and laboratory
41 subjects.
- 42 7. Chiropractic orthopedics.
- 43 8. Principles of chiropractic and adjusting.
- 44 9. Neurology.
- 45 10. Chemistry, including biochemistry and nutrition.

1 11. Public health and hygiene.

2 12. Chiropractic spinal analysis.

3 C. The board may waive examination in those subjects that the
4 applicant passed previously with the percentage of correct answers prescribed
5 in subsection D of this section in an examination conducted by the national
6 board of chiropractic examiners.

7 D. The board shall grant a license to an applicant who meets all of
8 the following requirements:

9 1. Correctly answers at least seventy-five per cent of all questions
10 asked on the subjects identified in subsection B of this section or attains a
11 board approved passing score on all questions asked on the subjects
12 identified in subsection B of this section in an examination administered by
13 a board approved testing facility.

14 2. Correctly answers at least seventy-five per cent of the questions
15 on jurisprudence.

16 3. Meets all other licensing requirements of this chapter.

17 4. Pays the original license fee ~~of one hundred dollars~~ PRESCRIBED BY
18 THE BOARD BY RULE.

19 E. An applicant who fails the examination for the first time may
20 retake the examination within one year if the applicant submits an updated
21 application that meets the requirements of section 32-921.

22 F. An applicant shall reapply for licensure if the applicant does not
23 pay the original license fee within one year after having been notified by
24 the board that the applicant is eligible to receive a license.

25 Sec. 4. Section 32-922.01, Arizona Revised Statutes, is amended to
26 read:

27 32-922.01. Reciprocity: requirements

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

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

35 2. Receives a grade of at least seventy-five per cent on the Arizona
36 jurisprudence examination.

37 3. Pays the original license fee ~~of one hundred dollars~~ PRESCRIBED BY
38 THE BOARD BY RULE.

39 B. The applicant shall pay the application fee prescribed by section
40 32-921 and present proof satisfactory to the board that:

41 1. A license issued by any other state has not been sanctioned for any
42 cause that is a basis of a sanction imposed by the board pursuant to this
43 chapter, except for failure to pay fees.

44 2. The applicant has not previously failed to pass the examination in
45 this state.

1 3. The applicant has been engaged in the practice of chiropractic
2 continuously for not less than three of the five years immediately preceding
3 the application.

4 Sec. 5. Section 32-922.02, Arizona Revised Statutes, is amended to
5 read:

6 32-922.02. Specialties; certification; fees

7 A. In order to practice a chiropractic specialty a licensee shall be
8 certified in that specialty by the board.

9 B. An applicant who wishes to be certified to perform acupuncture
10 shall submit the following to the board:

11 1. Documentation of successful completion of a minimum of one hundred
12 hours of study in acupuncture at an accredited chiropractic college or
13 postgraduate study with an instructor on the active or postgraduate staff of
14 an accredited chiropractic college.

15 2. A complete application as prescribed by the board.

16 3. Documentation of having passed a board approved acupuncture
17 examination.

18 C. An applicant who wishes to be certified to perform physiotherapy
19 shall submit the following to the board:

20 1. A complete application as prescribed by the board.

21 2. Documentation of successful completion of a minimum of one hundred
22 twenty hours of study in physiotherapy at an accredited chiropractic college
23 or postgraduate study with an instructor on the active or postgraduate staff
24 of an accredited chiropractic college.

25 3. Documentation of having passed an examination in physiotherapy that
26 is approved by the board.

27 D. The board shall issue a certificate to any applicant who meets the
28 requirements of this section, who correctly answers at least seventy-five per
29 cent of all questions asked on the specialty examination and who pays a
30 certificate fee ~~of one hundred dollars~~ PRESCRIBED BY THE BOARD BY RULE.

31 E. On making application, the applicant shall pay to the executive
32 director of the board a nonrefundable fee ~~of one hundred dollars~~ PRESCRIBED
33 BY THE BOARD BY RULE. The board shall keep a register of all applicants and
34 the result of each examination.

35 Sec. 6. Section 32-923, Arizona Revised Statutes, is amended to read:

36 32-923. Change of address; annual renewal fee; failure to
37 renew; waivers; reinstatement

38 A. Every person licensed pursuant to this chapter shall notify the
39 board in writing of any change in residence or office address and telephone
40 number within thirty days after that change. The board shall impose a
41 penalty of fifty dollars on a licensee who does not notify the board as
42 required by this subsection.

43 B. Except as provided in section 32-4301, every person licensed to
44 practice chiropractic in this state shall annually make a renewal application
45 to the board before January 1 after original issuance of a license and shall

1 pay a renewal license fee prescribed by the board ~~of not more than one~~
2 ~~hundred seventy dollars~~ BY RULE. The renewal application shall be made on a
3 form and in a manner prescribed by the board. At least thirty days before
4 the renewal application and renewal fee are due, the board shall send by
5 first class mail a renewal application and notice requiring license renewal
6 and payment of the renewal fee.

7 C. The board shall automatically suspend a license if the licensee
8 does not submit a complete application for renewal and pay the renewal
9 license fee as required by this section.

10 D. The board may reinstate a license if the person completes an
11 application for reinstatement as prescribed by the board, complies with the
12 continuing education requirements for each year that the license was
13 suspended, pays the annual renewal license fee for each year that the license
14 was suspended and pays an additional fee ~~of one hundred dollars~~ PRESCRIBED BY
15 THE BOARD BY RULE. An applicant who does not request reinstatement within
16 two years of the date of suspension shall apply for a license as a new
17 candidate pursuant to section 32-921 or 32-922.01.

18 E. The board may waive the annual renewal license fee if a licensee
19 presents evidence satisfactory to the board that the licensee has permanently
20 retired from the practice of chiropractic and has paid all fees required by
21 this chapter before the waiver.

22 F. During the period of waiver the retired licensee shall not engage
23 in the practice of chiropractic. A violation of this subsection subjects the
24 retired licensee to the same penalties as are imposed in this chapter on a
25 person who practices chiropractic without a license.

26 G. The board may reinstate a retired licensee to active practice on
27 payment of the annual renewal license fee AND AN ADDITIONAL LATE FEE
28 PRESCRIBED BY THE BOARD BY RULE and presentation of evidence satisfactory to
29 the board that the retired licensee is professionally able to engage in the
30 practice of chiropractic and still possesses the professional knowledge
31 required. After a hearing, the board may refuse to reinstate a retired
32 licensee to active practice under this subsection on any of the grounds
33 prescribed in section 32-924.

34 H. AN INACTIVE LICENSEE WHO APPLIES FOR REINSTATEMENT OF A LICENSE TO
35 ACTIVE STATUS SHALL PAY A REINSTATEMENT FEE PRESCRIBED BY THE BOARD BY RULE
36 IN ADDITION TO ANY OTHER APPLICABLE FEE.

37 Sec. 7. Exemption from rule making

38 To adopt fees as required by this act, the state board of chiropractic
39 examiners is exempt from the rule making requirements of title 41, chapter 6,
40 Arizona Revised Statutes, for one year after the effective date of this act.

41 Sec. 8. Emergency

42 This act is an emergency measure that is necessary to preserve the
43 public peace, health or safety and is operative immediately as provided by
44 law.