

REFERENCE TITLE: **doctor of chiropractic; unprofessional conduct**

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2840

Introduced by
Representatives Heap: Contreras P, Liguori, Mathis, Pingerelli

AN ACT

AMENDING SECTION 32-924, 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. Section 32-924, Arizona Revised Statutes, is amended to
3 read:

4 32-924. Grounds for disciplinary action; hearing; civil
5 penalty; definition

6 A. The following are grounds for disciplinary action, regardless of
7 where they occur:

8 1. ~~Employment of~~ EMPLOYING fraud or deception in securing a
9 license.

10 2. Practicing chiropractic under a false or assumed name.

11 3. Impersonating another practitioner.

12 4. ~~Habitual use of~~ HABITUALLY USING alcohol, narcotics or
13 stimulants to the extent of incapacitating the licensee for the
14 performance of professional duties.

15 5. COMMITTING unprofessional or dishonorable conduct of a character
16 likely to deceive or defraud the public or tending to discredit the
17 profession.

18 6. ~~Conviction~~ BEING CONVICTED of a misdemeanor involving moral
19 turpitude or of a felony.

20 7. COMMITTING gross malpractice, repeated malpractice or any
21 malpractice resulting in the death of a patient.

22 8. Representing that a manifestly incurable condition can be
23 permanently cured, or that a curable condition can be cured within a
24 stated time, if this is not true.

25 9. Offering, undertaking or agreeing to cure or treat a condition
26 by a secret means, method, device or instrumentality.

27 10. Refusing to divulge to the board on demand the means, method,
28 device or instrumentality used in the treatment of a condition.

29 11. Giving or receiving or aiding or abetting the giving or
30 receiving of rebates, either directly or indirectly.

31 12. Acting or assuming to act as a member of the board if this is
32 not true.

33 13. Advertising in a false, deceptive or misleading manner.

34 14. Having had a license refused, revoked or suspended by any other
35 state or country, unless it can be shown that the action was not taken for
36 reasons that relate to the ability to safely and skillfully practice
37 chiropractic or to any act of unprofessional conduct.

38 15. COMMITTING any conduct or practice contrary to recognized
39 standards in chiropractic or any conduct or practice that constitutes a
40 danger to the health, welfare or safety of the patient or the public or
41 any conduct, practice or condition that impairs the ability of the
42 licensee to safely and skillfully practice chiropractic.

43 16. Violating or attempting to violate, directly or indirectly, or
44 assisting in or abetting the violation of or conspiring to violate any of
45 the provisions of this chapter or any board order.

1 17. Failing to sign the physician's name, wherever required, in any
2 capacity as "chiropractic doctor", "chiropractic physician" or "doctor of
3 chiropractic" or failing to use and affix the initials "D.C." after the
4 physician's name.

5 18. Failing to place or cause to be placed the word or words
6 "chiropractic", "chiropractor", "chiropractic doctor" or "chiropractic
7 physician" in any sign or advertising media.

8 19. Using physical medicine modalities and therapeutic procedures
9 without passing an examination in that subject and without being certified
10 in that specialty by the board.

11 20. Using acupuncture without passing an examination in that
12 subject and without being certified in that specialty by the board.

13 21. Engaging in sexual intercourse or oral sexual contact with a
14 patient in the course of treatment.

15 22. Billing or otherwise charging a patient or third-party payor
16 for services, appliances, tests, equipment, an x-ray examination or other
17 procedures not actually provided.

18 23. Intentionally misrepresenting to or omitting a material fact
19 from the patient or third-party payor concerning charges, services,
20 appliances, tests, equipment, an x-ray examination or other procedures
21 offered or provided.

22 24. Advertising chiropractic services, appliances, tests,
23 equipment, x-ray examinations or other procedures for a specified price
24 without also specifying the services, procedures or items included in the
25 advertised price.

26 25. Advertising chiropractic services, appliances, tests,
27 equipment, x-ray examinations or other procedures as free without also
28 disclosing what services or items are included in the advertised service
29 or item.

30 26. Billing or charging a patient or third-party payor a higher
31 price than the advertised price in effect at the time the services,
32 appliances, tests, equipment, x-ray examinations or other procedures were
33 provided.

34 27. Advertising a specialty or procedure that requires a separate
35 examination or certificate of specialty, unless the licensee has satisfied
36 the applicable requirements of this chapter.

37 28. ~~Solicitation~~ SOLICITING by the licensee or by the licensee's
38 compensated agent ~~of~~ any person who is not previously known by the
39 licensee or the licensee's agent, and who at the time of the solicitation
40 is vulnerable to undue influence, including any person known to have
41 experienced any of the following within the ~~last~~ PRECEDING fifteen days:

- 42 (a) Involvement in a motor vehicle accident.
- 43 (b) Involvement in a work-related accident.
- 44 (c) Injury by, or as the result of actions of, another person.

1 29. DIVIDING A PROFESSIONAL FEE OR OFFERING, PROVIDING OR RECEIVING
2 ANY FORM OF CONSIDERATION FOR PATIENT REFERRALS BETWEEN A DOCTOR OF
3 CHIROPRACTIC AND ANY OTHER HEALTH PROFESSIONAL, LICENSEE OR BUSINESS
4 UNLESS THE DIVISION OF FEES OCCURS AMONG INDIVIDUALS OR ENTITIES ENGAGED
5 IN A BONA FIDE EMPLOYMENT, PARTNERSHIP OR CORPORATE RELATIONSHIP FOR THE
6 DELIVERY OF PROFESSIONAL SERVICES.

7 30. PRACTICING UNDER THE NAME OF ANOTHER LICENSED DOCTOR OF
8 CHIROPRACTIC, UNDER ANY NAME OTHER THAN THE NAME THAT APPEARS ON THE
9 DOCTOR OF CHIROPRACTIC'S LICENSE OR UNDER ANY TRADE NAME, TITLE OR
10 ABBREVIATION THAT MISREPRESENTS THE PRACTICE OF CHIROPRACTIC.

11 31. HARASSING, EXPLOITING OR RETALIATING AGAINST A PATIENT, FORMER
12 PATIENT, RESEARCH SUBJECT, SUPERVISEE, COWORKER, WITNESS OR COMPLAINANT IN
13 A DISCIPLINARY PROCEEDING INVOLVING A LICENSEE OR CERTIFICATE HOLDER.

14 B. The board on its own motion or on receipt of a complaint may
15 investigate any information that appears to show that a doctor of
16 chiropractic is or may be in violation of this chapter or board rules or
17 is or may be mentally or physically unable to safely engage in the
18 practice of chiropractic. The board shall notify the licensee as to the
19 content of the complaint as soon as is reasonable. Any person who reports
20 or provides information to the board in good faith is not subject to civil
21 damages as a result of that action.

22 C. The board may require a licensee WHO IS under investigation
23 pursuant to this section to be interviewed by the board or its
24 representatives. The board may require a licensee who is under
25 investigation pursuant to this section to undergo, at the licensee's
26 expense, any combination of medical, physical or mental examinations that
27 the board finds necessary to determine the licensee's competence.

28 D. If the board finds based on the information ~~††~~ THE BOARD
29 receives under subsections B and C of this section that the public health,
30 safety or welfare imperatively requires emergency action, ~~††~~ and
31 incorporates a finding to that effect in its order, the board may order a
32 summary suspension of a license pending proceedings for revocation or
33 other action. If the board takes this action, it shall also serve the
34 licensee with a written notice that states the charges and that the
35 licensee is entitled to a formal hearing within sixty days.

36 E. If, after completing its investigation, the board finds that the
37 information provided pursuant to this section is not of sufficient
38 seriousness to merit disciplinary action against the licensee, ~~††~~ THE
39 BOARD may take any of the following actions:

40 1. Dismiss the complaint if in the board's opinion the information
41 is without merit or does not warrant sanction of the licensee.

42 2. Issue an advisory letter. An advisory letter is a
43 nondisciplinary action and is a public document.

44 3. Issue a nondisciplinary order requiring the licensee to complete
45 a prescribed number of hours of continuing education in an area or areas

1 prescribed by the board to provide the licensee with the necessary
2 understanding of current developments, skills, procedures or treatment.
3 Failure to complete a nondisciplinary order requiring continuing education
4 is a violation of subsection A, paragraph 16 of this section.

5 F. The board may request a formal interview with the licensee
6 concerned. At a formal interview the board may receive and consider
7 pertinent documents and sworn statements of persons who may be called as
8 witnesses in a formal hearing. Legal counsel may be present and
9 participate in the formal interview. If the licensee refuses the request
10 or if the licensee accepts the request and the results of the interview
11 indicate suspension or revocation of the license may be in order, the
12 board shall issue a complaint and order that a hearing be held pursuant to
13 title 41, chapter 6, article 10. If, after the formal interview, the
14 board finds that the information provided pursuant to this section is true
15 but is not of sufficient seriousness to merit suspension or revocation of
16 the license, ~~†~~ THE BOARD may take any of the following actions:

17 1. Dismiss the complaint if in the board's opinion the information
18 is without merit or does not warrant sanction of the licensee.

19 2. Issue an advisory letter. An advisory letter is a
20 nondisciplinary action and is a public document.

21 3. Issue an order to cease and desist.

22 4. Issue a letter of concern.

23 5. Issue an order of censure. An order of censure is an official
24 action against the licensee and may include a requirement for restitution
25 of fees to a patient resulting from a violation of this chapter or board
26 rules.

27 6. Fix a period and terms of probation best adapted to protect the
28 public health and safety and to rehabilitate or educate the licensee. Any
29 costs incidental to the terms of probation are at the licensee's own
30 expense. Probation may include restrictions on the licensee's license to
31 practice chiropractic.

32 7. Impose a civil penalty of not more than ~~one thousand dollars~~
33 \$1,000 for each violation of this chapter.

34 8. Refuse to renew a license.

35 9. Issue a disciplinary or nondisciplinary order requiring the
36 licensee to complete a prescribed number of hours of continuing education
37 in an area or areas prescribed by the board to provide the licensee with
38 the necessary understanding of current developments, skills, procedures or
39 treatment.

40 G. If the board believes the charge is of such magnitude as to
41 warrant suspension or revocation of the license, the board shall
42 immediately initiate formal revocation or suspension proceedings pursuant
43 to title 41, chapter 6, article 10. The board shall notify a licensee of
44 a complaint and hearing by certified mail addressed to the licensee's last
45 known address on record in the board's files. The notice of a complaint

1 and hearing is effective on the date of its deposit in the mail. The
2 board shall hold a formal hearing within one hundred eighty days after
3 that date.

4 H. If the licensee wishes to be present at the formal hearing in
5 person or by representation, or both, the licensee shall file with the
6 board a written answer to the charges in the complaint. A licensee who
7 has been notified of a complaint pursuant to this section shall file with
8 the board a written response not more than twenty days after service of
9 the complaint and the notice of hearing. If the licensee fails to file an
10 answer in writing, it is deemed an admission of the act or acts charged in
11 the complaint and notice of hearing and the board may take disciplinary
12 action pursuant to this chapter without a hearing.

13 I. Any licensee who, after a hearing, is found to be in violation
14 of this chapter or board rules or is found to be mentally or physically
15 unable to safely engage in the practice of chiropractic is subject to any
16 combination of those disciplinary actions identified in subsection F of
17 this section or suspension or revocation of the license. In addition, the
18 board may order the licensee to pay restitution or all costs incurred in
19 the course of the investigation and formal hearing in the matter, or both.

20 J. The board shall report allegations of evidence of criminal
21 wrongdoing to the appropriate criminal justice agency.

22 K. The board may accept the surrender of an active license from a
23 licensee who admits in writing to having violated this chapter or board
24 rules.

25 L. For the purposes of this section, "solicitation" includes
26 contact in person, by telephone, telegraph or telefacsimile or by other
27 communication directed to a specific recipient and includes any written
28 form of communication directed to a specific recipient.