

REFERENCE TITLE: chiropractic board; complaints; training; authority

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1589

Introduced by
Senator Shamp

AN ACT

AMENDING SECTION 32-900, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-900.01; AMENDING SECTION 32-904, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-904.01; AMENDING SECTIONS 32-905, 32-921, 32-923 AND 32-924, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 8, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-924.01; AMENDING SECTIONS 32-929 AND 32-934, 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 32-900, Arizona Revised Statutes, is amended to
3 read:

4 32-900. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Advisory letter" means a nondisciplinary letter to notify a
7 licensee that either:

8 (a) While there is insufficient evidence to support disciplinary
9 action, the board believes that continuation of the activities that led to
10 the investigation may result in further board action against the licensee.

11 (b) The violation is a minor or technical violation that is not of
12 sufficient merit to warrant disciplinary action.

13 (c) The violation is a minor or technical violation, and while the
14 licensee has demonstrated substantial compliance through rehabilitation or
15 remediation that has mitigated the need for disciplinary action, the board
16 believes that repetition of the activities that led to the investigation
17 may result in further board action against the licensee.

18 2. "Board" means the state board of chiropractic examiners.

19 3. "Certification" means that a doctor of chiropractic has been
20 certified by the board in a specialty of chiropractic as provided by law.

21 4. "Chiropractic assistant" means an unlicensed person who has
22 completed an educational training program approved by the board, who
23 assists in basic health care duties in the practice of chiropractic under
24 the supervision of a doctor of chiropractic and who performs delegated
25 duties commensurate with the chiropractic assistant's education and
26 training but who does not evaluate, interpret, design or modify
27 established treatment programs of chiropractic care or violate any
28 statute.

29 5. "Doctor of chiropractic" OR "CHIROPRACTIC PHYSICIAN" means a
30 natural person who holds a license to practice chiropractic pursuant to
31 this chapter.

32 6. "License" means a license to practice chiropractic.

33 7. "MEMBER" INCLUDES A DOCTOR OF CHIROPRACTIC WHO IS EMPLOYED WITH,
34 CONTRACTED WITH OR OTHERWISE AFFILIATED WITH ANOTHER LICENSEE.

35 8. "PATIENT SAFETY" MEANS ACTIONS ASSOCIATED WITH CHIROPRACTIC CARE
36 THAT ARE TAKEN TO PREVENT ERRORS AND ADVERSE EFFECTS TO PATIENTS.

37 ~~7.~~ 9. "Physical medicine modalities" means any physical agent
38 applied to produce therapeutic change to biologic tissues, including
39 thermal, acoustic, noninvasive light, mechanical or electric energy, hot
40 or cold packs, ultrasound, galvanism, microwave, diathermy and electrical
41 stimulation.

42 ~~8.~~ 10. "Therapeutic procedures" means the application of clinical
43 skills and services, including therapeutic exercise, therapeutic
44 activities, manual therapy techniques, massage and structural supports, to
45 improve a patient's neuromusculoskeletal condition.

1 Sec. 2. Title 32, chapter 8, article 1, Arizona Revised Statutes,
2 is amended by adding section 32-900.01, to read:

3 32-900.01. Unprofessional conduct; board prohibition

4 A. IN THIS CHAPTER, FOR THE PURPOSES OF DISCIPLINING A DOCTOR OF
5 CHIROPRACTIC, ANY OF THE FOLLOWING WHETHER OCCURRING IN THIS STATE OR
6 ELSEWHERE CONSTITUTES UNPROFESSIONAL CONDUCT:

7 1. FAILING TO DISCLOSE, IN WRITING, TO A PATIENT OR A THIRD-PARTY
8 PAYOR THAT THE LICENSEE HAS A FINANCIAL INTEREST IN A DIAGNOSTIC OR
9 TREATMENT FACILITY, TEST, GOOD OR SERVICE WHEN REFERRING A PATIENT FOR A
10 PRESCRIBED DIAGNOSTIC TEST, TREATMENT, GOOD OR SERVICE AND THAT THE
11 DIAGNOSTIC TEST, TREATMENT, GOOD OR SERVICE IS AVAILABLE ON A COMPETITIVE
12 BASIS FROM ANOTHER HEALTH CARE PROVIDER. THIS PARAGRAPH DOES NOT APPLY TO
13 A REFERRAL BY ONE LICENSEE TO ANOTHER WITHIN A GROUP OF LICENSEES WHO
14 PRACTICE TOGETHER. THIS PARAGRAPH APPLIES REGARDLESS OF WHETHER THE
15 REFERRED SERVICE IS PROVIDED AT THE LICENSEE'S PLACE OF PRACTICE OR AT
16 ANOTHER LOCATION.

17 2. KNOWINGLY MAKING A FALSE OR MISLEADING STATEMENT TO A PATIENT OR
18 A THIRD-PARTY PAYOR.

19 3. KNOWINGLY MAKING A FALSE OR MISLEADING STATEMENT, PROVIDING
20 FALSE OR MISLEADING INFORMATION OR OMITTING MATERIAL INFORMATION IN ANY
21 ORAL OR WRITTEN COMMUNICATION, INCLUDING ATTACHMENTS, TO THE BOARD, BOARD
22 STAFF OR A BOARD REPRESENTATIVE OR ON ANY FORM REQUIRED BY THE BOARD.

23 4. KNOWINGLY FILING WITH THE BOARD AN APPLICATION OR OTHER DOCUMENT
24 THAT CONTAINS FALSE OR MISLEADING INFORMATION.

25 5. FAILING TO CREATE AN ADEQUATE PATIENT RECORD THAT INCLUDES THE
26 PATIENT'S HEALTH HISTORY, CLINICAL IMPRESSIONS, EXAMINATION FINDINGS,
27 DIAGNOSTIC RESULTS, X-RAY FILMS OR DIGITAL IMAGING IF TAKEN, X-RAY OR
28 DIGITAL IMAGING REPORTS, A TREATMENT PLAN, NOTES FOR EACH PATIENT VISIT
29 AND A BILLING RECORD. THE NOTES FOR EACH PATIENT VISIT MUST INCLUDE THE
30 PATIENT'S NAME, THE DATE OF SERVICE, THE DOCTOR OF CHIROPRACTIC'S
31 FINDINGS, A DESCRIPTION OF ANY SERVICE RENDERED AND THE NAME OR INITIALS
32 OF THE DOCTOR OF CHIROPRACTIC WHO PROVIDED SERVICES TO THE PATIENT.

33 6. FAILING TO MAINTAIN THE INFORMATION REQUIRED BY PARAGRAPH 5 OF
34 THIS SUBSECTION FOR A PATIENT FOR AT LEAST SIX YEARS AFTER THE LAST
35 TREATMENT DATE OR, FOR A MINOR, SIX YEARS AFTER THE MINOR'S EIGHTEENTH
36 BIRTHDAY.

37 7. FAILING TO PROVIDE WRITTEN NOTICE TO THE BOARD ABOUT HOW TO
38 ACCESS THE PATIENT RECORDS OF A CHIROPRACTIC PRACTICE THAT IS CLOSED BY
39 PROVIDING, AT A MINIMUM, THE PHYSICAL ADDRESS, TELEPHONE NUMBER AND FULL
40 NAME OF A PERSON WHO CAN BE CONTACTED REGARDING WHERE THE RECORDS ARE
41 MAINTAINED FOR AT LEAST SIX YEARS AFTER EACH PATIENT'S LAST TREATMENT DATE
42 OR A MINOR PATIENT'S EIGHTEENTH BIRTHDAY.

43 8. FAILING TO DO ANY OF THE FOLLOWING:

44 (a) RELEASE A COPY OF ALL REQUESTED PATIENT RECORDS AS PRESCRIBED
45 IN PARAGRAPH 5 OF THIS SUBSECTION, INCLUDING THE ORIGINAL OR A DIAGNOSTIC

1 QUALITY RADIOGRAPHIC COPY OF X-RAYS OR DIGITAL IMAGING, TO ANOTHER
2 LICENSED PHYSICIAN, THE PATIENT OR THE PATIENT'S AUTHORIZED AGENT WITHIN
3 TEN BUSINESS DAYS AFTER RECEIVING A WRITTEN REQUEST TO DO SO. THIS
4 SUBDIVISION DOES NOT REQUIRE THE RELEASE OF A PATIENT'S BILLING RECORD TO
5 ANOTHER LICENSED PHYSICIAN.

6 (b) RELEASE A COPY OF ANY SPECIFIED PORTION OR ALL OF A PATIENT'S
7 BILLING RECORD TO THE PATIENT OR THE PATIENT'S AUTHORIZED AGENT WITHIN TEN
8 BUSINESS DAYS AFTER RECEIVING A WRITTEN REQUEST TO DO SO.

9 (c) IN THE CASE OF A PATIENT OR A PATIENT'S AUTHORIZED AGENT WHO
10 HAS VERBALLY REQUESTED THE PATIENT RECORD, PROVIDE THE PATIENT RECORD.

11 (d) RETURN ORIGINAL X-RAYS OR DIGITAL IMAGING TO A LICENSED
12 PHYSICIAN WITHIN TEN BUSINESS DAYS AFTER RECEIVING A WRITTEN REQUEST TO DO
13 SO.

14 (e) PROVIDE COPIES OF PATIENT RECORDS TO ANOTHER LICENSED
15 PHYSICIAN, THE PATIENT OR THE PATIENT'S AUTHORIZED AGENT FREE OF CHARGE IN
16 VIOLATION OF TITLE 12, CHAPTER 13, ARTICLE 7.1.

17 9. REPRESENTING THAT THE LICENSEE HAS CERTIFICATION IN A SPECIALTY
18 AREA IN WHICH THE LICENSEE DOES NOT HAVE CERTIFICATION OR HAS ACADEMIC OR
19 PROFESSIONAL CREDENTIALS THAT THE LICENSEE DOES NOT HAVE.

20 10. FAILING TO PROVIDE TO A PATIENT ON REQUEST DOCUMENTATION OF
21 BEING CERTIFIED BY THE BOARD IN A SPECIALTY AREA OR THE LICENSEE'S
22 ACADEMIC CERTIFICATION, DEGREE OR PROFESSIONAL CREDENTIALS.

23 11. PRACTICING OR BILLING FOR SERVICES UNDER ANY NAME OTHER THAN
24 THE NAME BY WHICH THE DOCTOR OF CHIROPRACTIC IS LICENSED BY THE BOARD,
25 INCLUDING A CORPORATE, BUSINESS OR OTHER LICENSED HEALTH CARE PROVIDER'S
26 NAME, WITHOUT FIRST NOTIFYING THE BOARD IN WRITING.

27 12. SUGGESTING OR HAVING SEXUAL CONTACT, AS DEFINED IN SECTION
28 13-1401, IN THE COURSE OF PATIENT TREATMENT OR WITHIN THREE MONTHS AFTER
29 THE LAST CHIROPRACTIC EXAMINATION, TREATMENT OR CONSULTATION WITH AN
30 INDIVIDUAL WITH WHOM A CONSENSUAL SEXUAL RELATIONSHIP DID NOT EXIST BEFORE
31 THE DOCTOR OF CHIROPRACTIC-PATIENT RELATIONSHIP WAS ESTABLISHED.

32 13. INTENTIONALLY VIEWING A COMPLETELY OR PARTIALLY DISROBED
33 PATIENT IN THE COURSE OF AN EXAMINATION OR TREATMENT IF THE VIEWING IS NOT
34 RELATED TO THE PATIENT'S COMPLAINT, DIAGNOSIS OR TREATMENT UNDER CURRENT
35 PRACTICE STANDARDS.

36 14. INTENTIONALLY MISREPRESENTING THE EFFECTIVENESS OF A TREATMENT,
37 DIAGNOSTIC TEST OR DEVICE.

38 15. PENETRATING A PATIENT'S RECTUM BY A RECTAL PROBE OR DEVICE TO
39 ADMINISTER AN ULTRASOUND, DIATHERMY OR OTHER MODALITY.

40 16. USING IONIZING RADIATION IN VIOLATION OF SECTION 32-2811.

41 17. PROMOTING OR USING DIAGNOSTIC TESTING OR TREATMENT FOR RESEARCH
42 OR EXPERIMENTAL PURPOSES WITHOUT DOING BOTH OF THE FOLLOWING:

43 (a) OBTAINING WRITTEN INFORMED CONSENT FROM THE PATIENT OR THE
44 PATIENT'S AUTHORIZED AGENT BEFORE THE DIAGNOSTIC TEST OR TREATMENT,
45 INCLUDING DISCLOSING TO THE PATIENT OR AUTHORIZED AGENT ANY RESEARCH

1 PROTOCOL, CONTRACT THE LICENSEE HAS WITH RESEARCHERS, IF APPLICABLE, AND
2 INFORMATION ON THE INSTITUTIONAL REVIEW COMMITTEE USED TO ESTABLISH
3 PATIENT PROTECTION.

4 (b) CONFORMING TO GENERALLY ACCEPTED RESEARCH OR EXPERIMENTAL
5 CRITERIA, INCLUDING FOLLOWING PROTOCOLS, MAINTAINING DETAILED RECORDS,
6 PERIODICALLY ANALYZING RESULTS AND PERIODICALLY SUBMITTING TO REVIEW BY A
7 PEER REVIEW COMMITTEE.

8 18. HAVING A PROFESSIONAL CONNECTION WITH AN ILLEGAL PRACTITIONER
9 OF CHIROPRACTIC, MISREPRESENTING ONESELF AS A CURRENT OR PAST BOARD
10 MEMBER, A CURRENT OR PAST BOARD STAFF MEMBER OR A CURRENT OR PAST BOARD
11 CHIROPRACTIC CONSULTANT OR CLAIMING PROFESSIONAL SUPERIORITY IN THE
12 PRACTICE OF CHIROPRACTIC UNDER SECTION 32-925.

13 19. VIOLATING THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY
14 ACT.

15 20. HABITUALLY USING OR HAVING HABITUALLY USED ALCOHOL, NARCOTICS
16 OR STIMULANTS TO THE EXTENT OF INCAPACITATING THE LICENSEE IN PERFORMING
17 PROFESSIONAL DUTIES.

18 21. BEING CONVICTED BY A COURT OF COMPETENT JURISDICTION OF A CLASS
19 1, 2, 3, 4 OR 5 FELONY.

20 22. IN ANY OTHER JURISDICTION, HAVING AN ACTION TAKEN AGAINST THE
21 LICENSEE'S PROFESSIONAL LICENSE, HAVING ANY LIMIT OR RESTRICTION PLACED ON
22 THE LICENSE, HAVING THE LICENSE PLACED ON PROBATION OR SUSPENSION OR
23 REVOKED OR SURRENDERED AS A DISCIPLINARY MEASURE OR HAVING A LICENSE
24 APPLICATION OR LICENSE RENEWAL DENIED FOR A REASON RELATED TO
25 UNPROFESSIONAL CONDUCT.

26 23. DIRECTLY OR INDIRECTLY DIVIDING A PROFESSIONAL FEE FOR PATIENT
27 REFERRALS AMONG HEALTH CARE PROVIDERS OR HEALTH CARE INSTITUTIONS OR
28 BETWEEN PROVIDERS AND INSTITUTIONS OR ENTERING INTO A CONTRACTUAL
29 ARRANGEMENT TO THAT EFFECT. THIS PARAGRAPH DOES NOT PROHIBIT THE MEMBERS
30 OF ANY REGULARLY AND PROPERLY ORGANIZED BUSINESS ENTITY RECOGNIZED BY LAW
31 FROM DIVIDING FEES RECEIVED FOR PROFESSIONAL SERVICES AMONG THEMSELVES AS
32 THEY DETERMINE.

33 24. VIOLATING ANY FEDERAL OR STATE STATUTE, RULE OR REGULATION THAT
34 APPLIES TO THE PRACTICE OF CHIROPRACTIC.

35 25. FILING AN ANONYMOUS COMPLAINT AGAINST ANOTHER LICENSEE.

36 B. THE BOARD MAY NOT ADOPT RULES THAT ALTER OR AMEND UNPROFESSIONAL
37 CONDUCT AS PRESCRIBED IN SUBSECTION A OF THIS SECTION.

38 Sec. 3. Section 32-904, Arizona Revised Statutes, is amended to
39 read:

40 32-904. Powers and duties of the board; rules; removal of
41 executive director

42 A. The board may administer oaths, summon witnesses and take
43 testimony on matters within ~~its~~ THE BOARD'S powers and duties.

1 B. The board shall:

2 1. Adopt a seal, which shall be affixed to licenses issued by the
3 board.

4 2. Adopt rules that are necessary and proper for the enforcement of
5 this chapter.

6 3. Adopt rules regarding chiropractic assistants who assist a
7 doctor of chiropractic, and the board shall determine the qualifications
8 and regulation of chiropractic assistants who are not otherwise licensed
9 by law.

10 4. At least once each fiscal year and before establishing the
11 amount of a fee for the subsequent fiscal year, review the amount of each
12 fee authorized in this chapter in a public hearing.

13 C. A copy of the rules **ADOPTED PURSUANT TO THIS SECTION** shall be
14 filed with the secretary of state ~~upon~~ **ON** adoption as provided by law.

15 **D. THE BOARD SHALL TERMINATE THE EXECUTIVE DIRECTOR OF THE BOARD**
16 **FOR ANY OF THE FOLLOWING:**

17 1. **SUBPOENAING INFORMATION THAT IS UNRELATED TO A COMPLAINT**
18 **ALLEGATION.**

19 2. **FAILING TO REFER TO THE APPROPRIATE LAW ENFORCEMENT AGENCY A**
20 **COMPLAINT OR INFORMATION INDICATING THAT A LICENSEE OR CERTIFICATE HOLDER**
21 **MAY HAVE COMMITTED A MISDEMEANOR OR FELONY WITHIN TWO BUSINESS DAYS AFTER**
22 **RECEIVING THE COMPLAINT OR INFORMATION.**

23 3. **ADVOCATING IN SUPPORT OR AGAINST A LEGISLATIVE PROPOSAL IN THE**
24 **EXECUTIVE DIRECTOR'S OFFICIAL CAPACITY BEFORE THE BOARD HAS TAKEN A FORMAL**
25 **POSITION ON THE PROPOSAL IN A PUBLIC MEETING.**

26 **E. THE BOARD SHALL DEVELOP POLICIES AND PROCEDURES FOR DETERMINING**
27 **WHEN THE BOARD WILL REQUIRE A LICENSEE TO UNDERGO PSYCHOSEXUAL EVALUATIONS**
28 **AND HOW THE BOARD WILL USE THE EVALUATION RESULTS.**

29 Sec. 4. Title 32, chapter 8, article 1, Arizona Revised Statutes,
30 is amended by adding section 32-904.01, to read:

31 **32-904.01. Conflict of interest requirements; annual**
32 **trainings on conflict of interest, open meetings**
33 **and board authority**

34 **A. EACH BOARD MEMBER AND EMPLOYEE SHALL COMPLETE ON APPOINTMENT OR**
35 **HIRE A CONFLICT-OF-INTEREST DISCLOSURE FORM, INCLUDING AN ATTESTATION THAT**
36 **NO CONFLICT EXISTS, IF APPLICABLE, AND SHALL UPDATE THE DISCLOSURE FORM**
37 **ANNUALLY.**

38 **B. THE BOARD SHALL RETAIN ALL CONFLICT-OF-INTEREST DISCLOSURE FORMS**
39 **AND MAKE THE DISCLOSURE FORMS AND MEETING MINUTES AVAILABLE TO THE PUBLIC**
40 **ON REQUEST.**

41 **C. EACH BOARD MEMBER AND EMPLOYEE SHALL COMPLETE ON HIRE OR**
42 **APPOINTMENT AND ANNUALLY A TRAINING APPROVED BY THE ATTORNEY GENERAL'S**
43 **OFFICE ON THE FOLLOWING:**

1 1. CONFLICT-OF-INTEREST REQUIREMENTS, PROCESSES AND DISCLOSURE
2 FORMS, INCLUDING HOW THIS STATE'S CONFLICT-OF-INTEREST REQUIREMENTS RELATE
3 TO THEIR INDIVIDUAL ROLES AND RESPONSIBILITIES.

4 2. OPEN MEETINGS LAW REQUIREMENTS.

5 3. THE BOARD'S AUTHORITY TO INVESTIGATE COMPLAINTS AND ISSUE
6 SUBPOENAS.

7 Sec. 5. Section 32-905, Arizona Revised Statutes, is amended to
8 read:

9 32-905. Executive director of board; duties; other personnel;
10 immunity

11 A. Subject to title 41, chapter 4, article 4, the board shall
12 appoint an executive director who is not a member of the board and who
13 shall serve at the pleasure of the board.

14 B. The executive director shall:

15 1. Keep a record of the proceedings of the board.

16 2. Collect all monies due and payable to the board.

17 3. Deposit, pursuant to sections 35-146 and 35-147, all monies
18 received by the board in the board of chiropractic examiners fund.

19 4. Prepare bills for authorized expenditures of the board and
20 obtain warrants from the director of the department of administration for
21 payment of bills.

22 5. Administer oaths.

23 6. Act as custodian of the seal, books, minutes, records and
24 proceedings of the board.

25 7. At the request of the board, do and perform any other duty not
26 prescribed for the executive director elsewhere in this chapter.

27 8. ENSURE THAT THE BOARD FOLLOWS ALL APPLICABLE LAWS AND RULES AND
28 COMPLIES WITH ALL REPORTING REQUIREMENTS.

29 9. ADVISE THE BOARD IF ANY CONTEMPLATED ACTION IS BEYOND THE SCOPE
30 OF THE AUTHORITY GRANTED TO THE BOARD PURSUANT TO THIS CHAPTER. THE
31 EXECUTIVE DIRECTOR MAY PROVIDE THE ADVICE IN EXECUTIVE SESSION, BUT IF THE
32 INFORMATION IS DISREGARDED BY THE BOARD THE EXECUTIVE DIRECTOR SHALL STATE
33 POTENTIAL CONCERNS IN AN OPEN MEETING OF THE BOARD.

34 10. PREPARE AND MAINTAIN A DISCIPLINE MATRIX FOR USE BY THE BOARD
35 TO ENSURE THAT ALL LICENSEES ARE TREATED CONSISTENTLY, TO THE BEST OF THE
36 BOARD'S ABILITY, BASED ON THE SPECIFIC ALLEGATION AT ISSUE, WHEN THE BOARD
37 CONTEMPLATES IMPOSING ANY FORM OF DISCIPLINE. THE MATRIX MUST BRIEFLY
38 OUTLINE MATERIAL FACTS OF ALL PAST CASES IN WHICH DISCIPLINE WAS IMPOSED
39 WITHOUT IDENTIFYING ANY SPECIFIC LICENSEE OR COMPLAINANT OTHER THAN BY
40 POTENTIAL FILE NUMBER OR OTHER REFERENCE AND MUST SPECIFY THE LEVEL OF
41 DISCIPLINE IMPOSED. THE MATRIX MUST BE AVAILABLE TO ANY LICENSEE AGAINST
42 WHOM A COMPLAINT HAS BEEN FILED AND A FORMAL INVESTIGATION HAS BEEN
43 OPENED, INCLUDING THE LICENSEE'S COUNSEL.

44 11. CONSISTENT WITH THIS CHAPTER, CLASSIFY EACH COMPLAINT ON
45 SUBMISSION TO THE BOARD ACCORDING TO POLICIES ADOPTED BY THE BOARD THAT

1 PRIORITIZE THE ALLOCATION OF BOARD RESOURCES AND THE INVESTIGATION AND
2 ADJUDICATION OF COMPLAINTS.

3 C. THE EXECUTIVE DIRECTOR MAY NOT:

4 1. ADVOCATE IN SUPPORT OF OR AGAINST A LEGISLATIVE PROPOSAL IN THE
5 EXECUTIVE DIRECTOR'S OFFICIAL CAPACITY UNTIL THE BOARD HAS TAKEN A FORMAL
6 POSITION ON THE PROPOSAL IN A PUBLIC MEETING.

7 2. ENCOURAGE LICENSEES OR THE PUBLIC TO SUPPORT OR OPPOSE ANY
8 LEGISLATION.

9 ~~C.~~ D. Subject to title 41, chapter 4, article 4, the board may
10 employ other personnel as it deems necessary to carry out the purposes of
11 this chapter.

12 ~~D.~~ E. The executive director and ~~any~~ ANY person acting pursuant to
13 the executive director's direction ~~is~~ ARE personally immune from civil
14 liability for all actions taken in good faith pursuant to this chapter.

15 Sec. 6. Section 32-921, Arizona Revised Statutes, is amended to
16 read:

17 32-921. Application for license; qualifications of applicant;
18 fee; background investigations

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

23 B. To be eligible for an examination and licensure, the applicant
24 shall:

25 1. Be a graduate of a chiropractic college that both:

26 (a) Is accredited by or has status with the council on chiropractic
27 education or is accredited by an accrediting agency recognized by the
28 United States department of education or the council on postsecondary
29 accreditation.

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

35 2. Be physically and mentally able to practice chiropractic
36 skillfully and safely.

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

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

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

44 2. Has had a license to practice chiropractic refused, revoked,
45 suspended or restricted by a regulatory board in this or any other

jurisdiction for any act that constitutes unprofessional conduct pursuant to this chapter.

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

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

5. Has engaged in any conduct that constitutes grounds for disciplinary action pursuant to section ~~32-924~~ 32-900.01 or board rules.

D. On applying, the applicant shall pay to the executive director of the board a nonrefundable fee of not more than \$325 as established by the board. The board shall keep a register of all applicants and the result of each examination.

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

Sec. 7. Section 32-923, Arizona Revised Statutes, is amended to read:

32-923. Change of address; annual renewal fee; failure to renew; waivers; definition

A. ~~Every~~ EACH person who is licensed pursuant to this chapter shall notify the board in writing of any change in residence or office address and telephone number within thirty days after that change. The board shall impose a penalty of \$50 on a licensee who does not notify the board as required by this subsection.

B. Except as provided in section 32-4301, ~~every~~ EACH person who is licensed to practice chiropractic in this state shall annually make a renewal application to the board before the last day of the licensee's birth month after original issuance of a license and shall pay a renewal license fee of not more than \$225 as established by the board. The renewal application shall be made on a form and in a manner prescribed by the board. At least thirty days before the renewal application and renewal fee are due, the board shall send by first class mail a renewal application and notice requiring license renewal and payment of the renewal fee.

C. The board shall administratively suspend a license automatically AFTER NINETY DAYS if the licensee does not submit a complete application for renewal and pay the renewal license fee as required by this section. IF THE LICENSEE COMPLETES THE RENEWAL APPLICATION AND PAYS THE RENEWAL LICENSE FEE WITHIN NINETY DAYS AFTER THE DUE DATE, THE LICENSEE'S RENEWAL LICENSE SHALL BE BACKDATED TO THE EXPIRATION DATE OF THE LICENSE.

D. The board may reinstate a license if the person completes an application for reinstatement as prescribed by the board, complies with the continuing education requirements for each year that the license was suspended, pays the annual renewal license fee for each year that the license was suspended and pays an additional fee of \$200. An applicant who does not request reinstatement within two years after the date of suspension shall apply for a license as a new candidate pursuant to section 32-921 or 32-922.01.

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

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

G. The board may reinstate a retired licensee to active practice on payment of the annual renewal license fee and presentation of evidence satisfactory to the board that the retired licensee is professionally able to engage in the practice of chiropractic and still possesses the professional knowledge required. After a hearing, the board may refuse to reinstate a retired licensee to active practice under this subsection on any of the grounds prescribed in section ~~32-924~~ 32-900.01.

H. For the purposes of this section, "administratively suspend" means a nondisciplinary action that is imposed for failure to renew a license and that requires the licensee to suspend practice until renewal requirements are met.

Sec. 8. Section 32-924, Arizona Revised Statutes, is amended to read:

32-924. Complaints; investigations; hearing; civil penalty

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

- ~~1. Employment of fraud or deception in securing a license.~~
- ~~2. Practicing chiropractic under a false or assumed name.~~
- ~~3. Impersonating another practitioner.~~
- ~~4. Habitual use of alcohol, narcotics or stimulants to the extent of incapacitating the licensee for the performance of professional duties.~~
- ~~5. Unprofessional or dishonorable conduct of a character likely to deceive or defraud the public or tending to discredit the profession.~~

- ~~6. Conviction of a misdemeanor involving moral turpitude or of a felony.~~
- ~~7. Gross malpractice, repeated malpractice or any malpractice resulting in the death of a patient.~~
- ~~8. Representing that a manifestly incurable condition can be permanently cured, or that a curable condition can be cured within a stated time, if this is not true.~~
- ~~9. Offering, undertaking or agreeing to cure or treat a condition by a secret means, method, device or instrumentality.~~
- ~~10. Refusing to divulge to the board on demand the means, method, device or instrumentality used in the treatment of a condition.~~
- ~~11. Giving or receiving or aiding or abetting the giving or receiving of rebates, either directly or indirectly.~~
- ~~12. Acting or assuming to act as a member of the board if this is not true.~~
- ~~13. Advertising in a false, deceptive or misleading manner.~~
- ~~14. Having had a license refused, revoked or suspended by any other state or country, unless it can be shown that the action was not taken for reasons that relate to the ability to safely and skillfully practice chiropractic or to any act of unprofessional conduct.~~
- ~~15. Any conduct or practice contrary to recognized standards in chiropractic or any conduct or practice that constitutes a danger to the health, welfare or safety of the patient or the public or any conduct, practice or condition that impairs the ability of the licensee to safely and skillfully practice chiropractic.~~
- ~~16. Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any of the provisions of this chapter or any board order.~~
- ~~17. Failing to sign the physician's name, wherever required, in any capacity as "chiropractic doctor", "chiropractic physician" or "doctor of chiropractic" or failing to use and affix the initials "D.C." after the physician's name.~~
- ~~18. Failing to place or cause to be placed the word or words "chiropractic", "chiropractor", "chiropractic doctor" or "chiropractic physician" in any sign or advertising media.~~
- ~~19. Using physical medicine modalities and therapeutic procedures without passing an examination in that subject and without being certified in that specialty by the board.~~
- ~~20. Using acupuncture without passing an examination in that subject and without being certified in that specialty by the board.~~
- ~~21. Engaging in sexual intercourse or oral sexual contact with a patient in the course of treatment.~~
- ~~22. Billing or otherwise charging a patient or third-party payor for services, appliances, tests, equipment, an x-ray examination or other procedures not actually provided.~~

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

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

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

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

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

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

~~(a) Involvement in a motor vehicle accident.~~

~~(b) Involvement in a work-related accident.~~

~~(c) Injury by, or as the result of actions of, another person.~~

~~B.~~ A. The board on its own motion or on receipt of a complaint may investigate any information that appears to show that a doctor of chiropractic is or may be in violation of this chapter or board rules or is or may be mentally or physically unable to safely engage in the practice of chiropractic. The board shall notify the licensee as to the content of the complaint as soon as is reasonable. Any person who reports or provides information to the board in good faith is not subject to civil damages as a result of that action. THE SCOPE OF AN INVESTIGATION PURSUANT TO THIS SECTION IS LIMITED TO THE INFORMATION CONTAINED IN THE INITIAL COMPLAINT OR THE INFORMATION THAT THE BOARD HAS IN ITS POSSESSION AT THE TIME OF THE BOARD'S MOTION TO INVESTIGATE.

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

~~D.~~ C. If the board finds based on the information it receives under subsections ~~B~~ A and ~~C~~ B of this section that the public health,

1 safety or welfare imperatively requires emergency action, and incorporates
2 a finding to that effect in its order, the board may order a summary
3 suspension of a license pending proceedings for revocation or other
4 action. If the board takes this action, ~~it~~ THE BOARD shall also serve the
5 licensee with a written notice that states the charges and that the
6 licensee is entitled to a formal hearing within sixty days.

7 ~~F.~~ D. If, after completing its investigation, the board finds that
8 the information provided pursuant to this section is not of sufficient
9 seriousness to merit disciplinary action against the licensee, ~~it~~ THE
10 BOARD may take any of the following actions:

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

13 2. Issue an advisory letter. An advisory letter is a
14 nondisciplinary action and is a public document.

15 3. Issue a nondisciplinary order requiring the licensee to complete
16 a prescribed number of hours of continuing education in an area or areas
17 prescribed by the board to provide the licensee with the necessary
18 understanding of current developments, skills, procedures or treatment.
19 ~~Failure to complete a nondisciplinary order requiring continuing education~~
20 ~~is a violation of subsection A, paragraph 16 of this section.~~

21 ~~F.~~ E. The board may request a formal interview with the licensee
22 concerned. At a formal interview the board may receive and consider
23 pertinent documents and sworn statements of persons who may be called as
24 witnesses in a formal hearing. THE BOARD MAY NOT SUBPOENA INFORMATION
25 RELATED TO A LICENSEE'S PERSONAL FINANCES. Legal counsel may be present
26 and participate in the formal interview. If the licensee refuses the
27 request or if the licensee accepts the request and the results of the
28 interview indicate suspension or revocation of the license may be in
29 order, the board shall issue a complaint and order that a hearing be held
30 pursuant to title 41, chapter 6, article 10. If, after the formal
31 interview, the board finds that the information provided pursuant to this
32 section is true but is not of sufficient seriousness to merit suspension
33 or revocation of the license, ~~it~~ THE BOARD may take any of the following
34 actions:

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

37 2. Issue an advisory letter. An advisory letter is a
38 nondisciplinary action and is a public document.

39 3. Issue an order to cease and desist.

40 4. Issue a letter of concern.

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

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

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

8. Refuse to renew a license.

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

F. THE BOARD MAY EXTEND THE TIME TO INVESTIGATE A LICENSEE IF EITHER OF THE FOLLOWING APPLIES:

1. THE COMPLAINT RELATED TO THE IMPROPER SEXUAL CONDUCT OF THE LICENSEE.

2. BOTH OF THE FOLLOWING APPLY:

(a) THE LICENSEE AGREES TO THE PROPOSED EXTENSION.

(b) THE BOARD HAS DILIGENTLY PURSUED AN INVESTIGATION WITHIN THE TIME FRAME PRESCRIBED PURSUANT TO THIS CHAPTER FOR COMPLAINTS INVOLVING ALLEGATIONS OR VIOLATIONS OF UNPROFESSIONAL CONDUCT OR MALPRACTICE THAT IMPLICATES PATIENT SAFETY.

G. UNLESS THE BOARD EXTENDS THE TIME TO INVESTIGATE PURSUANT TO SUBSECTION F OF THIS SECTION, AN INVESTIGATION AND INITIAL REVIEW OF A COMPLAINT SHALL BE COMPLETED WITHIN NINETY DAYS AFTER THE COMPLAINT IS FILED. IF THE BOARD DETERMINES THAT A FORMAL HEARING IS REQUIRED, THE BOARD SHALL MAKE A FINAL DECISION WITHIN TWO HUNDRED TWENTY DAYS AFTER THE COMPLAINT IS FILED. IF THE BOARD HAS NOT MADE A FINAL DECISION ON A COMPLAINT AFTER TWO HUNDRED TWENTY DAYS, THE COMPLAINT IS DEEMED ADMINISTRATIVELY CLOSED.

~~G.~~ H. If the board believes the charge is of such magnitude as to warrant suspension or revocation of the license, the board shall immediately initiate formal revocation or suspension proceedings pursuant to title 41, chapter 6, article 10. The board shall notify a licensee of a complaint and hearing by certified mail addressed to the licensee's last known address on record in the board's files. The notice of a complaint and hearing is effective on the date of its deposit in the mail. The board shall hold a formal hearing within one hundred eighty days after that date.

~~H.~~ I. If the licensee wishes to be present at the formal hearing in person or by representation, or both, the licensee shall file with the board a written answer to the charges in the complaint. A licensee who has been notified of a complaint pursuant to this section shall file with the board a written response not more than twenty days after service of

the complaint and the notice of hearing. If the licensee fails to file an answer in writing, it is deemed an admission of the act or acts charged in the complaint and notice of hearing and the board may take disciplinary action pursuant to this chapter without a hearing.

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

K. IF A COURT OF COMPETENT JURISDICTION FINDS THAT THE BOARD ACTED CAPRICIOUSLY AGAINST A LICENSEE WITHOUT MERIT AND IN VIOLATION OF THIS CHAPTER, THE RULES ADOPTED PURSUANT TO THIS CHAPTER OR THE BOARD'S POLICIES OR PROCEDURES, THE LICENSEE IS ENTITLED TO RESTITUTION FOR ALL COSTS INCURRED RELATING TO THE MATTER IN THE COURSE OF THE INVESTIGATION OR THE FORMAL HEARING PROCESS, OR BOTH.

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

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

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

Sec. 9. Title 32, chapter 8, article 2, Arizona Revised Statutes, is amended by adding section 32-924.01, to read:

32-924.01. Criminal complaints; referrals; time frame; board notification

A. IF THE BOARD RECEIVES A COMPLAINT OR INFORMATION INDICATING THAT A LICENSEE OR CERTIFICATE HOLDER MAY HAVE COMMITTED A MISDEMEANOR OR FELONY OFFENSE, THE BOARD SHALL REFER THE MATTER TO THE APPROPRIATE LAW ENFORCEMENT AGENCY WITHIN TWO BUSINESS DAYS AFTER RECEIVING THE COMPLAINT OR INFORMATION. THE BOARD DOES NOT NEED TO OBTAIN THE COMPLAINANT'S CONSENT OR TO SUBSTANTIATE THE COMPLAINT BEFORE REFERRING THE COMPLAINT TO LAW ENFORCEMENT. IF THE BOARD FINDS, BASED ON THE COMPLAINT OR INFORMATION THAT THE BOARD REFERS TO A LAW ENFORCEMENT AGENCY, THAT THE PUBLIC HEALTH, SAFETY OR WELFARE REQUIRES EMERGENCY ACTION, THE BOARD MAY RESTRICT, LIMIT OR ORDER A SUMMARY SUSPENSION OF THE LICENSEE'S LICENSE OR CERTIFICATE HOLDER'S CERTIFICATE PENDING ACTION BY THE LAW ENFORCEMENT AGENCY.

B. THE LAW ENFORCEMENT AGENCY THAT RECEIVES THE COMPLAINT OR INFORMATION PURSUANT TO SUBSECTION A OF THIS SECTION SHALL INFORM THE

BOARD OF THE OUTCOME OF THE LAW ENFORCEMENT AGENCY'S INVESTIGATION AND WHETHER CHARGES ARE FILED AGAINST THE LICENSEE OR CERTIFICATE HOLDER WHO IS THE SUBJECT OF THE COMPLAINT. CONCURRENT WITH THE LAW ENFORCEMENT AGENCY'S INVESTIGATION, THE BOARD MAY INVESTIGATE WHETHER THE COMPLAINT OR INFORMATION THAT WAS REFERRED TO THE LAW ENFORCEMENT AGENCY CONSTITUTES A VIOLATION OF UNPROFESSIONAL CONDUCT PURSUANT TO SECTION 32-900.01 AGAINST THE LICENSEE OR CERTIFICATE HOLDER WHO IS THE SUBJECT OF THE COMPLAINT.

Sec. 10. Section 32-929, Arizona Revised Statutes, is amended to read:

32-929. Right to examine and copy evidence; summoning witnesses and documents; taking testimony; right to counsel; court orders; confidentiality

A. EXCEPT AS PROVIDED IN SECTION 32-924, SUBSECTION E, in connection with an investigation by the board on its own motion, the board or its duly authorized agents or employees shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documents, reports, records or any other physical evidence of any person being investigated, or the reports, records and any other documents maintained by and in possession of any hospital, clinic, physician's office, laboratory, pharmacy or any other public or private agency, and any health care institution as defined in section 36-401, if such documents, reports, records or evidence relate to chiropractic competence, unprofessional conduct or the mental or physical ability of a doctor of chiropractic to safely practice chiropractic.

B. For the purpose of all investigations and proceedings conducted by the board:

1. EXCEPT AS PROVIDED IN SECTION 32-924, SUBSECTION E, the board on its own initiative, or ~~upon~~ ON application of any person involved in the investigation, may issue subpoenas compelling the attendance and testimony of witnesses, ~~or~~ or demanding the production for examination or copying of documents or any other physical evidence if such evidence relates to chiropractic competence, unprofessional conduct or the mental or physical ability of a doctor of chiropractic to safely practice chiropractic. Within five days after the service of a subpoena on any person requiring the production of any evidence in ~~his~~ THE PERSON'S possession or under ~~his~~ THE PERSON'S control, ~~such~~ THE person may petition the board to revoke, limit or modify the subpoena. The board shall revoke, limit or modify such A subpoena if in its opinion the evidence required does not relate to unlawful practices covered by this chapter, is not relevant to the charge ~~which~~ THAT is the subject matter of the hearing or investigation or does not describe with sufficient particularity the physical evidence whose production is required.

2. Any person appearing before the board may be represented by counsel.

3. The superior court, ~~upon~~ ON application by the board or by the person subpoenaed, shall have jurisdiction to issue an order either:

(a) Requiring ~~such~~ THE person to appear before the board or the duly authorized agent to produce evidence relating to the matter under investigation.

(b) Revoking, limiting or modifying the subpoena if in the court's opinion the evidence demanded does not relate to unlawful practices covered by this chapter, is not relevant to the grounds for censure, suspension, revocation, fines or refusal to issue a license pursuant to section ~~32-924 which~~ 32-900.01 THAT is the subject matter of the hearing or investigation, or does not describe with sufficient particularity the evidence whose production is required. Any failure to obey such AN order of the court may be punished by ~~such~~ THE court as contempt.

C. Patient records, including clinical records, medical reports, laboratory statements and reports, any file, film, any other report or oral statement relating to examinations, findings or treatment of patients, any information from which a patient or ~~his~~ THE PATIENT'S family might be identified or information received and records kept by the board as a result of the investigation procedure outlined in this chapter are not available to the public.

D. ~~Nothing in~~ This section ~~or~~ AND any other provision of law making THAT MAKES communications between a chiropractic physician and ~~his~~ THE CHIROPRACTIC PHYSICIAN'S patient a privileged communication ~~applies DO NOT APPLY~~ to investigations or proceedings conducted pursuant to this chapter. The board and its employees, agents and representatives shall keep in confidence the names of any patients whose records are reviewed during the course of investigations and proceedings pursuant to this chapter.

Sec. 11. Section 32-934, Arizona Revised Statutes, is amended to read:

32-934. Business entities; registration; fees; medical records protocol; civil penalty; exemptions; violation; classification

A. A business entity may not offer chiropractic services pursuant to this chapter unless:

1. The entity is registered with the board pursuant to this section and rules adopted pursuant to this chapter.

2. The services are conducted by a doctor of chiropractic ~~who is licensed pursuant to this chapter.~~

B. The business entity must file a registration application and pay a fee as prescribed by the board by rule.

C. Registration expires on June 1 of each year. A business entity that wishes to renew a registration must submit an application for renewal as prescribed by the board on an annual basis before the expiration date and pay a renewal fee as prescribed by the board by rule. The board shall

1 prorate the renewal fee for the first year registration renewal based on
2 the first day of the month that the business entity was registered with
3 the board. An entity that fails to renew the registration before the
4 expiration date is subject to a late fee as prescribed by the board by
5 rule.

6 D. A business entity must notify the board in writing within thirty
7 days after any change:

8 1. In the entity's name, address or telephone number.

9 2. In the entity's officers or directors.

10 3. In the name of any doctor of chiropractic who is authorized to
11 provide and who is responsible for providing or supervising the provision
12 of chiropractic services in any facility.

13 E. The board shall impose a civil penalty as prescribed by the
14 board by rule on a business entity that does not notify the board as
15 required by subsection D of this section.

16 F. A business entity must comply with this chapter and board rules.

17 G. A business entity must establish a written protocol for the
18 secure storage, transfer and access of the medical records of the business
19 entity's patients. This protocol must include, at a minimum, procedures
20 for:

21 1. Notifying patients of the future locations of their records if
22 the business entity terminates or sells the practice.

23 2. Disposing of unclaimed medical records.

24 3. The timely response to requests by patients or their
25 representatives for copies of their records.

26 H. A business entity must notify the board within thirty days after
27 the entity's dissolution or the closing or relocation of any facility and
28 must disclose to the board the entity's procedure by which its patients
29 may obtain their records.

30 I. The board may impose discipline consistent with this chapter if
31 an entity violates any statute or board rule.

32 J. The board shall deposit, pursuant to sections 35-146 and 35-147,
33 civil penalties collected pursuant to this section in the state general
34 fund.

35 K. This section does not apply to:

36 1. A facility OR A BUSINESS ENTITY, PARTNERSHIP OR OTHER FORM OF
37 BUSINESS, THE MAJORITY OWNERSHIP OF WHICH IS owned by a person who is
38 licensed pursuant to this chapter.

39 2. A sole proprietorship or partnership that consists of persons
40 who are licensed pursuant to this chapter.

41 3. A professional corporation or professional limited liability
42 company, the shares of which are owned by persons who are licensed
43 pursuant to this chapter.

44 4. An administrator or executor of the estate of a deceased doctor
45 of chiropractic or a person who is legally authorized to act for a doctor

1 of chiropractic who has been adjudicated to be mentally incompetent for
2 not more than one year after the date of the doctor of chiropractic's
3 death or incapacitation.

4 5. A health care institution that is licensed pursuant to title 36.

5 6. A health professional who is not licensed pursuant to this
6 chapter but who acts within the scope of practice as prescribed by the
7 health professional's regulatory board.

8 L. A BUSINESS ENTITY THAT IS EXEMPT PURSUANT TO SUBSECTION K OF
9 THIS SECTION MAY SUBMIT BILLS UNDER EITHER THE CONTROLLING LICENSEE'S
10 INDIVIDUAL NAME OR THE BUSINESS ENTITY'S NAME WITHOUT NOTIFYING THE BOARD.

11 ~~L.~~ M. A business entity that offers chiropractic services pursuant
12 to this chapter without complying with the registration requirements of
13 this section is guilty of a class 6 felony.

14 Sec. 12. Legislative intent

15 A. The legislature intends to hold the state board of chiropractic
16 examiners accountable for its failure to protect the health, welfare and
17 safety of the public by enforcing the statutes governing chiropractic
18 practice.

19 B. The legislature affirms that the primary function of the state
20 board of chiropractic examiners is to safeguard the public from potential
21 harm. Activities beyond this mandate should be managed by the private
22 sector or other state agencies with the appropriate authority, and any
23 deviation from this mandate will not be tolerated.

24 C. This act aligns with the auditor general's special audit
25 findings from December 20, 2024, following a resolution by the joint
26 legislative audit committee on February 12, 2024, that include:

27 1. Ensuring that subpoenas for complaint investigations are
28 relevant to the complaint.

29 2. Consistently enforcing statutes and rules.

30 3. Properly managing and reporting criminal allegations.

31 4. Efficiently addressing complaints.

32 5. Ensuring that board practices and communication with licensees
33 and the public are lawful and do not include legal advice or
34 misinformation.

35 6. Eliminating redundancies by streamlining functions to reduce
36 overlap with other state agencies.

37 7. Terminating abuses of power and mismanagement, ensuring
38 accountability.

39 8. Requiring immediate reporting of criminal misconduct to law
40 enforcement with penalties for noncompliance.

41 9. Ensuring that the board operates transparently and strictly
42 adheres to its mandate of public protection.