



Texas Board of Chiropractic Examiners

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H.B. 972 Solomons, et al. (Nelson)

Summary

The Texas Board of Chiropractic Examiners (the Board) was created in 1949 to protect the public's health, safety, and economic welfare by ensuring that chiropractors are qualified and competent. The Board has three primary functions: license chiropractors, and register chiropractic radiological technicians and chiropractic facilities; set standards for the profession; and enforce the Chiropractic Act by investigating and resolving complaints. The Board currently licenses about 4,700 chiropractors, with a staff of six employees and an annual budget of \$340,000.

House Bill 972 continues the Board for 12 years and contains the Sunset Commission's recommendations to improve the Board's process for defining scope of practice and strengthen its enforcement program. The list below summarizes the major provisions of H.B. 972, and a more detailed discussion follows.

Sunset Provisions

1. Require the Board to Clarify Scope of Practice Questions Through Rules Developed With Early Stakeholder Input and Following Common Definitions From the Medical Practice Act.
2. Strengthen the Board's Enforcement Program to Enable It to More Effectively Resolve Complaints.
3. Conform Elements of the Board's Licensing Functions to Commonly Applied Licensing Practices.
4. Increase the Number of Undergraduate Hours Required for Licensure as a Chiropractor.
5. Limit the Number of Attempts to Pass the Chiropractic Jurisprudence Exam.
6. Continue the Texas Board of Chiropractic Examiners for 12 Years.

Sunset Provisions

1. Require the Board to Clarify Scope of Practice Questions Through Rules Developed With Early Stakeholder Input and Following Common Definitions From the Medical Practice Act.

House Bill 972 requires the Board to follow the State's rulemaking process in clarifying which activities are within and which are outside the scope of chiropractic practice. Specifically, the Board must clearly define the procedures that chiropractors may perform, using the input of stakeholders early in the rulemaking process. The Legislature modified the Sunset provision by requiring the Board to adopt rules specifying what equipment chiropractors are prohibited from using rather than what equipment is allowed. The bill also requires the Board to determine whether additional training or certification is required to practice certain procedures and use certain equipment. The Legislature also repealed the multi-disciplinary advisory commission that had been established to advise the Board on new and experimental practices within the meaning of chiropractic.

House Bill 972 also conforms the Chiropractic Act's definitions with applicable definitions in the Medical Practice Act to define treatments prohibited under a chiropractor's scope of practice. These definitions include surgical procedure, controlled substance, and dangerous drug.

2. Strengthen the Board's Enforcement Program to Enable It to More Effectively Resolve Complaints.

House Bill 972 includes several provisions that strengthen the Board's enforcement program. Specifically, the bill revamps the Board-appointed local peer review committees and expands their responsibilities to include assisting the Board in investigating complaint cases that require chiropractic expertise by reviewing records and evidence, and reporting findings to the Board. In addition, the Board must adopt rules to prevent workers' compensation and insurance fraud, and it must vigorously enforce those provisions. The Board must also cooperate with the Texas Department of Insurance (TDI) to improve the sharing of relevant enforcement information.

The bill also includes provisions to bring the Board in line with standard agency practices related to enforcement. Under the bill, the Board may inspect chiropractic facilities on an unannounced basis when investigating complaints, and it must investigate complaints in priority order according to risk. The bill gives the Board the authority to issue cease-and-desist orders to stop unlicensed activity, and to assess administrative penalties against persons who violate cease-and-desist orders. The bill authorizes the Board to provide for refunds by licensees to the consumer as part of the settlement conference process.

House Bill 972 also conforms the Chiropractic Act with several provisions that apply to physicians in the Medical Practice Act. Specifically, the bill makes practicing chiropractic while under the influence of drugs or alcohol a state jail felony. The bill also requires medical malpractice settlement information collected by TDI and expert witness reports filed by insurers to be submitted to the Board. The bill makes chiropractors subject to disciplinary action for performing fraudulent practices, unprofessional or dishonorable conduct, or other acts to deceive and defraud the public. The Board must also suspend or revoke licenses for convictions such as felonies, assaults, sex crimes, and drug offenses.

3. Conform Elements of the Board's Licensing Functions to Commonly Applied Licensing Practices.

House Bill 972 includes two provisions that bring the Board in line with standard licensing agency practices.

- Requires the Board to adopt rules to ensure that its exams are accessible to persons with disabilities in accordance with the Americans with Disabilities Act.
- Requires the Board to base delinquent license renewal fees on the normally required renewal fee.

4. Increase the Number of Undergraduate Hours Required for Licensure as a Chiropractor.

House Bill 972 increases the number of undergraduate hours required for licensure from 60 to 90 credit hours, as specified by the Council on Chiropractic Education, the accreditation body for chiropractic schools. The bill also gives the Board flexibility to require a different number of semester hours based on a requirement of a recognized accreditation organization.

5. Limit the Number of Attempts to Pass the Chiropractic Jurisprudence Exam.

House Bill 972 limits applicants to three attempts to pass the Board's jurisprudence exam measuring understanding of state chiropractic laws and rules.

6. Continue the Texas Board of Chiropractic Examiners for 12 Years.

This provision continues the Board as a separate, stand-alone agency for the standard 12-year period.

Fiscal Implication Summary

This legislation will result in a negative fiscal impact to the State of \$27,200 annually. Reimbursing the Board's peer review committees for work performed reviewing standard of care complaints will cost \$5,600 annually, at a reimbursement rate of \$100 per complaint. This cost will be offset by a fee increase among the Board's regulated population. Changing the amount of the late renewal fee for delinquent licenses will result in a total loss of \$27,200 annually.

<i>Fiscal Year</i>	<i>Loss to the General Revenue Fund</i>
2006	\$27,200
2007	\$27,200
2008	\$27,200
2009	\$27,200
2010	\$27,200

