

**CHIROPRACTIC PHYSICIAN PRACTICE ACT AMENDMENTS**

1998 GENERAL SESSION

STATE OF UTAH

**Sponsor: J. Brent Haymond**

AN ACT RELATING TO OCCUPATIONS AND PROFESSIONS; AMENDING THE SCOPE OF PRACTICE OF A CHIROPRACTOR; ESTABLISHING CRIMINAL PENALTIES; AND PERMITTING A CHIROPRACTIC ASSISTANT TO PERFORM SERVICES UNDER THE SUPERVISION OF A LICENSED CHIROPRACTIC PHYSICIAN.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**58-73-102**, as renumbered and amended by Chapter 253, Laws of Utah 1996

**58-73-301**, as renumbered and amended by Chapter 253, Laws of Utah 1996

**58-73-304**, as renumbered and amended by Chapter 253, Laws of Utah 1996

**58-73-601**, as last amended by Chapters 247, 248 and renumbered and amended by Chapter 253 and last amended by Chapter 282, Laws of Utah 1996

ENACTS:

**58-73-502**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **58-73-102** is amended to read:

**58-73-102. Definitions.**

(1) "Adjustment of the articulation of the spinal column" means performance by a chiropractic physician by the use of passive movements directed toward the goal of restoring joints to their proper physiological relationship of motion and related function, releasing adhesions, or stimulating joint receptors using one or more of the following techniques:

(a) impulse adjusting or the use of sudden, high velocity, short amplitude thrust of a nature that the patient cannot prevent the motion, commencing where the motion encounters the elastic barrier of resistance and ends at the limit of anatomical integrity;

(b) instrument adjusting, utilizing instruments specifically designed to deliver sudden, high velocity, short amplitude thrust;

(c) light force adjusting utilizing sustained joint traction or applied directional pressure, or both, which may be combined with passive motion to restore joint mobility; and

(d) long distance lever adjusting utilizing forces delivered at some distance from the dysfunctional site and aimed at transmission through connected structures to accomplish joint mobility.

(2) "Board" means the Chiropractic Physician Licensing Board created in Section 58-73-201.

(3) "Chiropractic assistant" means a person who performs activities related to the practice of chiropractic under the supervision of a licensed chiropractic physician in accordance with division rule established in collaboration with the board.

(4) "Chiropractic physician" means a person who has been licensed under this chapter to practice chiropractic.

(5) "Diagnosis of the articulation of the spinal column" means to examine the articulations of the spinal column of another human to determine the source, nature, kind, or extent of a disease, vertebral subluxation, or other physical condition, and to make a determination of the source, nature, kind, or extent of a disease or other physical condition.

(6) "Elastic barrier" means the point at which the patient cannot move a joint by his own means and through which movement is obtained or caused by a practitioner's skillful treatment using the practitioner's hands in a manipulation of a joint by thrust of sudden, high velocity, short amplitude so the patient cannot prevent the motion.

(7) "Incisive surgery" means any procedure having the power or quality of cutting of a patient for the purpose of treating disease, injury, or deformity, and includes the use of laser.

(8) (a) "Manipulate the articulation of the spinal column" means use by a practitioner of a skillful treatment using the practitioner's hands in a manipulation of a joint by thrust of sudden, high velocity, short amplitude so the patient cannot prevent the motion. Movement of the joint is by force beyond its active limit of motion.

(b) This manipulation commences where mobilization ends and specifically begins when the elastic barrier of resistance is encountered and ends at the limit of anatomical integrity.

(c) Manipulation as described in this definition is directed to the goal of restoring joints to

their proper physiological relationship of motion and related function, releasing adhesions, or stimulating joint receptors.

[~~(3)~~] (9) "[Chiropractic] Practice of chiropractic" means a practice of a branch of the healing arts:

(a) the purpose of which is to restore or maintain human health, in which patient care or first aid, hygienic, nutritional, or rehabilitative procedures are administered; [~~and~~]

(b) which places emphasis upon specific vertebral adjustment, manipulation, and treatment of the articulation and adjacent tissues of the spinal column, musculoskeletal structure of the body, and nervous system;

(c) that involves examining, diagnosing, treating, correcting, or prescribing treatment for any human disease, ailment, injury, infirmity, deformity, pain, or other condition, or the attempt to do so, in accordance with Section 58-73-601; and

(d) that involves diagnosing, prescribing treatment, or making a determination of treatment necessity for another person's condition by means of:

(i) a physical examination of the person; or

(ii) a determination based upon or derived from information supplied directly or indirectly by a third person.

[~~(9)~~] (10) "Therapeutically position the articulation of the spinal column" means to adjust or manipulate the articulation of the spinal column.

Section 2. Section **58-73-301** is amended to read:

**58-73-301. Licensure required -- License classifications.**

(1) A license is required to engage in the practice of chiropractic, except as specifically provided in Section [~~58-1-307 or~~] 58-73-304.

(2) The division shall issue to a person who qualifies under this chapter a license in the classification of chiropractic physician.

Section 3. Section **58-73-304** is amended to read:

**58-73-304. Exemptions from licensure.**

[~~In addition to the exemptions from licensure in Section 58-1-307, an intern-in-training in~~

a chiropractic college or university may]

(1) Except as provided in Subsection (2), the exemptions from licensure set forth in Section 58-1-307 apply.

(2) With regard to Subsections 58-1-307(1)(b) and (c), the only exemption from licensure permitted is a preceptorship which may permit a student to engage in acts or practices included within the definition of the practice of chiropractic, while:

[(1)] (a) performing the duties and activities which are part of the approved program of education and training of [the] a college or university accredited by the Council on Chiropractic Education; and

[(2)] (b) under a form of supervision approved by the division.

(3) In addition to the exemptions provided in Subsections (1) and (2), a chiropractic assistant while working under the supervision of a licensed chiropractic physician is exempt from licensure under this chapter to the extent the chiropractic assistant is engaged in tasks appropriately delegated by the supervisor in accordance with the standards and ethics of the practice of chiropractic and division rule established in collaboration with the board.

Section 4. Section **58-73-502** is enacted to read:

**58-73-502. Unlawful conduct -- Penalties.**

(1) "Unlawful conduct" includes, in addition to the definition in Section 58-1-501:

(a) buying, selling, or fraudulently obtaining any chiropractic diploma, license, certificate, or registration;

(b) aiding or abetting the buying, selling, or fraudulently obtaining of any chiropractic diploma, license, certificate, or registration; and

(c) substantially interfering with a licensee's lawful and competent practice of chiropractic in accordance with this chapter.

(2) Any person who violates any provision of Subsection (1) is guilty of a third degree felony.

Section 5. Section **58-73-601** is amended to read:

**58-73-601. Scope of practice for a chiropractic physician.**

(1) A chiropractic physician licensed under this chapter may engage in the practice of chiropractic as defined in Section 58-73-102 in accordance with the following standards.

(2) A chiropractic physician may:

(a) examine, diagnose, and treat only within the scope of chiropractic as described in this Subsection (2);

(b) use x-ray for diagnostic purposes only;

(c) administer:

(i) physical agents, including light, heat, cold, water, air, sound, compression, electricity, and electromagnetic radiation except gamma radiation; and

(ii) physical activities and devices, including:

(A) exercise with and without devices;

(B) joint mobilization;

(C) mechanical stimulation;

(D) postural drainage;

(E) traction;

(F) positioning;

(G) wound debridement, cleansing, and dressing changes;

(H) splinting;

(I) training in locomotion and other functional activities with and without assistance devices;

and

(J) correction of posture, body mechanics, and gait;

(d) administer the following topically applied medicinal agents, including steroids, anesthetics, coolants, and analgesics for wound care and for musculoskeletal treatment, including their use by iontophoresis or phonophoresis;

(e) treat pain incident to major or minor surgery, cancer, obstetrics, or x-ray therapy;

(f) utilize immobilizing appliances, casts, and supports for support purposes, but may not set displaced bone fractures;

(g) inform the patient of possible side effects of medication and recommend referral to the

prescribing practitioner;

(h) provide instruction in the use of physical measures, activities, and devices for preventive and therapeutic purposes;

(i) provide consulting, educational, and other advisory services for the purposes of reducing the incidence and severity of physical disability, movement dysfunctions, bodily malfunction, and pain;

(j) treat a human being to assess, prevent, correct, alleviate, and limit physical disability, movement dysfunction, bodily malfunction, and pain resulting from disorders, congenital and aging conditions, injury, and disease; and

(k) administer, interpret, and evaluate tests.

(3) A chiropractic physician may not:

(a) perform incisive surgery;

(b) administer drugs or medicines for which an authorized prescription is required by law except as provided in Subsection (2)(d);

(c) treat cancer;

(d) practice obstetrics;

(e) prescribe or administer x-ray therapy; or

(f) set displaced fractures.

(4) A chiropractic physician shall assume responsibility for his examinations, diagnoses, and treatment.

(5) Nothing in this section authorizes a chiropractic physician to prescribe, possess for dispensing, dispense, purchase without a prescription written by a licensed and authorized practitioner, or administer, except under Subsection (2)(d), a drug requiring a prescription to dispense, under Title 58, Chapter 37, Utah Controlled Substances Act, or Title 58, Chapter [17] 17a, Pharmacy Practice Act.

(6) Only primary health care providers licensed under this title as osteopathic physicians, physicians and surgeons, naturopaths, and chiropractic physicians, may diagnose, adjust, manipulate, or therapeutically position the articulation of the spinal column to the extent permitted by their

scopes of practice.