

HOUSE BILL No. 1103

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-1-9; IC 25-10-1-14.

Synopsis: Spinal manipulation. Provides that a health practitioner may not perform spinal manipulation or spinal adjustment unless the practitioner has statutory authority to differentially diagnose and meets certain educational requirements. Excludes physicians and osteopaths from the requirements. Provides for disciplinary sanctions for violations.

Effective: July 1, 2012.

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January 9, 2012, read first time and referred to Committee on Public Health.

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PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

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HOUSE BILL No. 1103



A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-1-9-6.4 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2012]: **Sec. 6.4. (a) This section does not apply to a practitioner
4 licensed to practice medicine or osteopathic medicine under
5 IC 25-22.5.**

6 **(b) As used in this section, "spinal manipulation" or "spinal
7 adjustment" means a method of skillful and beneficial treatment
8 where a practitioner uses direct thrust to move a joint of the
9 patient's spine beyond its normal range of motion, but without
10 exceeding the limits of anatomical integrity.**

11 **(c) A practitioner may not perform spinal manipulation or
12 spinal adjustment unless the practitioner:**

- 13 **(1) has statutory authority to differentially diagnose; and**
- 14 **(2) has received at least four hundred (400) hours of**
- 15 **classroom instruction in spinal manipulation or spinal**
- 16 **adjustment and at least eight hundred (800) hours of**
- 17 **supervised clinical training at an accredited chiropractic**



1 school and a school's affiliated facility where spinal
 2 manipulation or spinal adjustment is a primary method of
 3 treatment.

4 **(d) In addition to the actions listed under section 4 of this**
 5 **chapter that subject a practitioner to disciplinary sanctions, a**
 6 **practitioner is subject to the exercise of disciplinary sanctions**
 7 **under section 9 of this chapter if, after a hearing, the board finds**
 8 **that the practitioner has violated this section.**

9 SECTION 2. IC 25-1-9-9 IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) The board may impose any
 11 of the following sanctions, singly or in combination, if it finds that a
 12 practitioner is subject to disciplinary sanctions under section 4, 5, 6,
 13 **6.4, 6.7, or 6.9 of this chapter or IC 25-1-5-4:**

- 14 (1) Permanently revoke a practitioner's license.
 15 (2) Suspend a practitioner's license.
 16 (3) Censure a practitioner.
 17 (4) Issue a letter of reprimand.
 18 (5) Place a practitioner on probation status and require the
 19 practitioner to:
 20 (A) report regularly to the board upon the matters that are the
 21 basis of probation;
 22 (B) limit practice to those areas prescribed by the board;
 23 (C) continue or renew professional education under a
 24 preceptor, or as otherwise directed or approved by the board,
 25 until a satisfactory degree of skill has been attained in those
 26 areas that are the basis of the probation; or
 27 (D) perform or refrain from performing any acts, including
 28 community restitution or service without compensation, that
 29 the board considers appropriate to the public interest or to the
 30 rehabilitation or treatment of the practitioner.

31 (6) Assess a fine against the practitioner in an amount not to
 32 exceed one thousand dollars (\$1,000) for each violation listed in
 33 section 4 of this chapter, except for a finding of incompetency due
 34 to a physical or mental disability. When imposing a fine, the
 35 board shall consider a practitioner's ability to pay the amount
 36 assessed. If the practitioner fails to pay the fine within the time
 37 specified by the board, the board may suspend the practitioner's
 38 license without additional proceedings. However, a suspension
 39 may not be imposed if the sole basis for the suspension is the
 40 practitioner's inability to pay a fine.

41 (b) The board may withdraw or modify the probation under
 42 subsection (a)(5) if it finds, after a hearing, that the deficiency that

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1 required disciplinary action has been remedied, or that changed
2 circumstances warrant a modification of the order.

3 SECTION 3. IC 25-10-1-14 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) This section
5 applies to all persons, including persons listed in IC 25-22.5-1-2.

6 (b) A person may manually manipulate, manually adjust, or
7 manually mobilize the spinal column or the vertebral column of an
8 individual only if the person is:

9 (1) a chiropractor who has been issued a license under this
10 chapter;

11 (2) a physician who has been issued an unlimited license to
12 practice medicine under IC 25-22.5; or

13 (3) an osteopathic physician who has been issued a license to
14 practice osteopathic medicine under IC 25-22.5.

15 (c) A person may not delegate the manual manipulation, manual
16 adjustment, or manual mobilization of the spinal column or the
17 vertebral column of an individual to another person, unless the other
18 person is:

19 (1) licensed as a chiropractor under this chapter;

20 (2) licensed as a physician with an unlimited license to practice
21 medicine under IC 25-22.5;

22 (3) licensed as an osteopathic physician with a license to practice
23 osteopathic medicine under IC 25-22.5;

24 (4) a student in the final year of course work at an accredited
25 chiropractic school participating in a preceptorship program and
26 working under the direct supervision of a chiropractor licensed
27 under this chapter; or

28 (5) a graduate of a chiropractic school who holds a valid
29 temporary permit issued under section 5.5 of this chapter.

30 (d) If a violation of subsection (b) or (c) is being committed:

31 (1) the board in its own name;

32 (2) the board in the name of the state; or

33 (3) the prosecuting attorney of the county in which the violation
34 occurs, at the request of the board and in the name of the state;

35 may apply for an order enjoining the violation from the circuit court of
36 the county in which the violation occurs.

37 (e) Upon a showing that a person has violated subsection (b) or (c),
38 the court may grant without bond an injunction, a restraining order, or
39 other appropriate order.

40 (f) **Subject to IC 25-1-9-6.4**, this section does not apply to a
41 physical therapist practicing under IC 25-27. However, a physical
42 therapist may not practice chiropractic (as defined in IC 25-10-1-1) or

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1 medicine (as defined in IC 25-22.5-1-1.1) unless licensed to do so.

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