

ENROLLED ACT NO. 99, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2013 GENERAL SESSION

AN ACT relating to the chiropractic licensing act; amending the composition and compensation of the board of chiropractic examiners; providing for chiropractic interns and preceptors; providing for temporary licensure as specified; amending requirements for chiropractor examinations and continuing education; amending acts identified as unlawful when committed by a chiropractor; amending criminal penalties; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 33-10-101, 33-10-102, 33-10-103, 33-10-104(a), 33-10-105, 33-10-106, 33-10-107, 33-10-108, 33-10-109, 33-10-110(a)(intro), (i), (xiii), by creating new paragraphs (xv) and (xvi) and by creating a new subsection (g), 33-10-111, 33-10-113, 33-10-114(a) and (b), 33-10-116 and 33-10-117 are amended to read:

33-10-101. Chiropractic defined.

Chiropractic is the system of specific adjustment or manipulation of the joints and tissues of the body and the treatment of the human body by the application of manipulative, manual, mechanical, physiotherapeutic or clinical nutritional methods for which those persons licensed under this chapter are trained and may include venipuncture, acupuncture and the use of diagnostic x-rays with rights for referral for advanced diagnostic imaging. A chiropractor may examine, diagnose and treat patients provided, however, chiropractors shall not perform surgery, direct the use of or administer drugs required by law to be dispensed on prescription only, practice obstetrics or prescribe or administer x-ray therapy. For purposes of this

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act, "venipuncture" means the puncture of the vein for the withdrawal of blood.

33-10-102. Board of chiropractic examiners; established; composition; qualifications of members.

There is hereby created and established a board to be known as the state board of chiropractic examiners, which shall be composed of ~~three (3)~~ one (1) member of the public at large and four (4) practicing chiropractors of integrity and ability, who shall be residents of the state of Wyoming, who shall have practiced chiropractic continuously in the state of Wyoming for a period of at least three (3) years and who shall have a diploma from ~~a recognized~~ an accredited chiropractic school or college.

33-10-103. Board of chiropractic examiners; appointment; term; qualifications; vacancies; removal.

The governor shall appoint ~~three (3)~~ four (4) practicing chiropractors, who shall possess the qualifications specified in W.S. 33-10-102, and one (1) citizen from the public at large to constitute the membership of the board. Members shall be appointed to a term of ~~three (3)~~ four (4) years, except that initial terms of chiropractor members shall be staggered so that annually thereafter the governor shall appoint one (1) chiropractor member. ~~who shall be a licensed chiropractic practitioner possessing the qualifications specified in W.S. 33-10-102, and who shall serve for a period of three (3) years or until his successor is appointed.~~ The governor shall fill all vacancies occurring in the board. The governor may remove any board member as provided in W.S. 9-1-202.

33-10-104. Board of chiropractic examiners; meetings; procedure; records; members to be licensed.

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(a) The board of examiners shall convene within thirty (30) days after the appointment of its members and shall elect from its membership a president, vice-president, ~~and secretary treasurer~~ a treasurer and a secretary and the board may appoint a person who is not a member of the board to fulfill the functions of treasurer or secretary. The board shall hold a regular meeting once each year at the capitol of the state, the date to be set by the board at its first meeting. The board shall hold special meetings at such times and places as a majority of the members thereof may designate, ~~provided that not more than three (3) meetings shall be held in any one (1) year.~~ A majority of the board shall constitute a quorum. The board shall have authority to administer oaths, take affidavits, summon witnesses and take testimony as to matters coming within the scope of its duties. It shall adopt a seal, which shall be affixed to all licenses issued by it and shall from time to time adopt rules and regulations as are proper and necessary for the performance of its duties. It shall adopt a schedule of minimum educational requirements not inconsistent with the provisions of this law, which shall be without prejudice, partiality or discrimination as to the standard schools of chiropractic. The secretary of said board shall keep a record of the proceedings of the board, which shall at all times be open to public inspection. The board shall also have on file with the secretary of state for public inspection a copy of its rules and regulations.

33-10-105. License required.

(a) It shall be unlawful for any person to practice chiropractic in this state without first obtaining a license, as provided for in this act.

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(b) Nothing in this chapter shall prevent the activities and services of a person pursuing a course of study leading to a degree in chiropractic at an accredited college or university, if the activities and services constitute a part of a supervised course of study and the person is a designated chiropractic intern or preceptor appropriate to his level of training and as authorized by rules and regulations of the board.

(c) The board pursuant to its rules and regulations may issue a temporary license to an applicant who is licensed or certified by a board of chiropractic of another United States state or territory, or of a foreign country or province whose standards are equal to or exceed the requirements for licensure as a chiropractor in this state.

(d) No business entity organized under title 17 of the Wyoming statutes shall employ or contract with a chiropractor to provide chiropractic services unless fifty-one percent (51%) of the equity in the entity is owned by persons, and the spouses of persons, licensed pursuant to title 33, chapter 9, 10 or 26 of the Wyoming statutes. This subsection shall not apply to:

(i) A health care facility as defined in W.S. 35-2-901(a)(x);

(ii) Clinical facilities affiliated with a college of chiropractic which provides training for chiropractic students and which is accredited by a nationally recognized accreditation organization;

(iii) A public or private university or college;

(iv) Any agency of federal, state or local government;

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(v) Any partnership or other business entity authorized to be formed under title 17 of the Wyoming statutes and which is owned with other health care providers.

33-10-106. Application for license; educational requirements; fees.

Any person wishing to practice chiropractic in this state shall make application to the board of chiropractic examiners, ~~through the secretary treasurer thereof,~~ upon such form and in such manner as may be prescribed and directed by the board, ~~at least fifteen (15) days prior to any meeting of the board.~~ Each applicant shall be a graduate of a recognized school of chiropractic, ~~in which he actually attended a course of study for at least four (4) years of nine (9) months each, preceded by a four year high school course or its equivalent, and at least two (2) years of study in either a course of liberal arts or science at the University of Wyoming or in a college or university accredited by the board.~~ Application shall be in writing and shall be signed by the applicant and sworn to before some officer authorized to administer oaths having an accredited program which is professional in content and which meets the academic and training standards established by the board. There shall be paid by each applicant a license fee in an amount established by the board pursuant to W.S. 33-1-201 which fee shall accompany the application.

33-10-107. Time, place and subjects for examinations; reexamination.

(a) Examinations for license to practice chiropractic shall be given by the board at such times and places as it shall determine, ~~and shall be given according to the~~

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~~method deemed by the board to be the most practicable and expeditious to test the applicant's qualifications. The secretary shall designate each applicant by a number instead of by name, so that his identity will not be disclosed to the members of the board until after the examination papers are graded.~~

(b) All examinations shall be made in writing and shall include ~~the following subjects: principles and practice of chiropractic, sanitation, and hygiene, anatomy, physiology, symptomatology, diagnosis, chiropractic, orthopedy, pathology, and urinalysis. In addition the applicant must also give a clinical demonstration of vertebrae palpation, nerve tracing and adjusting, satisfactory to the board. Additional subjects may be prescribed from time to time by the board to meet with new conditions~~ those subjects identified by the board in its rules and regulations.

(c) A license shall be granted to all applicants who ~~shall correctly answer seventy five percent (75%) of all questions asked, but if any applicant shall fail to answer correctly sixty percent (60%) of the questions in any one (1) subject of said examination, regardless of what his average grade might be, he or she shall not be entitled to a license~~ achieve an overall passing grade and a passing grade in each subject area as determined by the board in its rules and regulations. An applicant who fails to pass the examination may take a second examination at any time within one (1) year from and after his first failure without the payment of any additional fees.

33-10-108. Duties and authority of practitioners.

Chiropractic practitioners shall observe and be subject to all state and municipal regulations relating to the control

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of contagious and infectious diseases, ~~shall be permitted to sign death certificates,~~ and shall, as to any and all matters pertaining to public health, report to the proper health officers the same as other practitioners.

33-10-109. Title of practitioners.

Chiropractors licensed under this act shall have the right to practice chiropractic in accordance with the method taught in the chiropractic schools and colleges recognized by the chiropractic board of examiners of this state. If a chiropractor chooses to use the prefix "Dr." or "doctor" shall not appear on any display sign before the name of the practitioner, but shall appear in connection with the display shall also include the title "doctor of chiropractic," "chiropractor," "D.C." or the equivalent. Said title shall appear in same size type as name of practitioner.

33-10-110. Prohibited acts; refusal, revocation or suspension of license; appeals.

(a) ~~It shall be unlawful for any holder of a license according to this chapter to commit~~ The board may deny, refuse to renew, suspend, revoke or otherwise restrict a license under this act for any of the following acts:

(i) ~~To use any false, fraudulent or forged statement or document, or any fraudulent, deceitful, dishonest or immoral practice, in connection with any of the licensing requirements~~ knowingly submit false or misleading information to the board;

(xiii) To obtain a fee as personal compensation or gain to an employer or for a person on fraudulent

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representation that a manifestly incurable condition can be permanently cured;~~or~~

(xv) To aid or abet the practice of chiropractic by a person who is not licensed by the board;

(xvi) To violate any code of ethics or disciplinary rules established by the board.

(g) Unless the board and the licensee have agreed to the relinquishment of or imposition of restrictions or conditions on a license, the board shall conduct a proceeding to deny, refuse to renew, suspend, revoke or otherwise restrict a license on the grounds set forth in subsection (a) of this section as a contested case under the Wyoming Administrative Procedure Act.

33-10-111. Appeal from decision of board.

Any person ~~feeling himself~~ aggrieved by the decision of the board may ~~have an appeal to the district court of the county wherein his license to practice is of record. The manner and procedure of appeal shall be the same as that provided by law in the cases of appeals from a circuit court to the district court~~ petition for judicial review pursuant to the Wyoming Administrative Procedure Act.

33-10-113. Prerequisite for renewal of license; board's power to make regulations; fees.

(a) Each chiropractor shall, as a prerequisite to annual license renewal, submit as a part of the renewal application satisfactory evidence of ~~a minimum of twelve (12) attendance hours during the preceding year at one (1) or more chiropractic symposiums. Symposiums approved for licensees practicing within the state of Wyoming are those~~

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~~sponsored or conducted by any state chiropractic association, the American Chiropractic Association, or the International Chiropractic Association, or an approved chiropractic college, which devote themselves to lectures or demonstrations concerning matters which are recognized in the state of Wyoming chiropractic laws~~ having completed the continuing education requirements established by the board in its rules and regulations.

(b) The board shall also adopt rules and regulations authorizing the board to grant exceptions to the educational requirements, ~~including but not limited to retired chiropractors, chiropractors who graduated within twelve (12) months of the date of renewal application, or chiropractors who were unable to obtain the education requirements because of major illness.~~

(c) All persons practicing chiropractic within this state shall pay on or before ~~June~~ August 1 of each year, a renewal license fee in an amount established by the board pursuant to W.S. 33-1-201. If any practicing chiropractor fails to pay the renewal license ~~tax fee~~ imposed by W.S. 33-10-101 through 33-10-117 within thirty (30) days after the ~~same is due and payable due date,~~ the ~~board shall revoke his license~~ shall lapse. ~~When the license is revoked, it can~~ A lapsed license shall only be restored within one (1) year of expiration upon written application ~~therefor~~ and payment to the board of a fee of twice the amount of the renewal fee in effect at the time the restoration application is filed.

33-10-114. Disposition of money collected; expenses of board; per diem of members; compensation of treasurer.

(a) All money shall be received and collected as provided by law. ~~The state treasurer shall place ten~~

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~~percent (10%) of the money in the general fund and the remainder in a separate account, and shall pay out of the account on warrants drawn by the auditor of the state, upon vouchers issued and signed by the president and secretary-treasurer of the board. The money received and placed in the account may be used by the members of the state board of chiropractic examiners in defraying their salary, mileage and per diem allowance as hereinafter provided in carrying out the provisions of this act. The secretary-treasurer shall keep an accurate and true account of all money received and all vouchers issued by the board. He shall, as required by W.S. 9-2-1014, report to the governor relative to all proceedings of the board.~~ All money received or collected under this chapter shall be paid to the state treasurer for deposit in a separate account. The money in the account is subject at all times to the warrant of the state auditor drawn upon written requisition attested by the executive director of the board for the payment of any board expenses.

(b) ~~The members of the board shall receive ten dollars (\$10.00) together with per diem and mileage allowance as allowed to state employees for each day during which they are actually engaged in the discharge of their duties. The total expense for every purpose incurred by the board shall not exceed the total of the money collected~~ as salary the sum paid each day to legislators, or an equivalent hourly wage, together with per diem and mileage allowance as allowed to state employees, when actually engaged in official board duties.

33-10-116. Violation of W.S. 33-10-101 through 33-10-117.

(a) Any person, corporation or association who shall practice, or attempt to practice, chiropractic, or any

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person who shall buy, sell, or fraudulently obtain any diplomas or licenses to practice chiropractic, or who shall use the title "doctor of chiropractic", or any word or title to influence belief that he is engaged in the practice of chiropractic, without first complying with the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not ~~less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00), or by imprisonment in the county jail for not ~~less than thirty (30) days nor more than six (6) months~~ more than one (1) year, or by both fine and imprisonment.

(b) The attorney general, the state board of chiropractic examiners, or ~~any county attorney, or any licensed doctor of chiropractic in the state of Wyoming,~~ may obtain an injunction in the name of the state of Wyoming upon the relation of such complainant enjoining any person, corporation or association and the officer and directors and employees of such corporation or association from engaging in the practice of chiropractic without a license and certificate or violation of any of the provisions of this chapter. The district court of the district in which the offending party resides or the district court of Laramie county shall have original jurisdiction of any such injunction proceedings. Any defendant who has been so enjoined who shall violate such injunction shall be punished ~~for contempt of court~~ by a fine of not ~~less than two hundred dollars (\$200.00) or more than one thousand dollars (\$1,000.00)~~ or by imprisonment ~~in the county jail for not less than six (6) months or not more than one (1) year,~~ or both. An injunction may be issued without proof of actual damage sustained and upon proof of one (1) or more acts constituting practice of chiropractic without a license or in violation of any provision of this chapter.

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33-10-117. Restrictions.

Nothing contained in this act shall be construed to restrain or restrict ~~any legally licensed physician or surgeon or any legally licensed osteopath, in the practice of his profession. The practice of chiropractic is hereby declared not to be the practice of medicine, surgery, or osteopathy, within the meaning of the laws of the state of Wyoming~~ licensed or certified members of other legally recognized professions from performing services consistent with the laws of this state, provided they do not represent themselves as practicing the profession regulated under this act and do not represent themselves to be chiropractors. Nothing contained in this act shall be construed to restrain or restrict the practice of venipuncture or acupuncture.

Section 2. W.S. 33-10-104(b) and 33-10-110(b) through (e), 33-10-112, 33-10-114(c) and 33-10-115 are repealed.

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Section 3. This act is effective July 1, 2013.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk