

By: Senator(s) Canon

To: Public Health and  
Welfare

SENATE BILL NO. 3016  
(As Sent to Governor)

1 AN ACT TO CODIFY SECTION 73-6-18, MISSISSIPPI CODE OF 1972,  
2 TO PRESCRIBE RECORD KEEPING STANDARDS FOR CHIROPRACTORS AND  
3 CHIROPRACTIC ASSISTANTS; TO AMEND SECTION 73-6-19, MISSISSIPPI  
4 CODE OF 1972, TO PROVIDE THAT IMPROPER RECORD KEEPING BY A  
5 CHIROPRACTOR IS UNPROFESSIONAL CONDUCT; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 SECTION 1. The following provision shall be codified as

8 Section 73-6-18, Mississippi Code of 1972:

9 73-6-18. These standards apply to all licensed chiropractors  
10 and chiropractic assistants. These standards also apply to those  
11 consultations and examinations advertised as a reduced fee or free  
12 (no charge) service:

13 (a) The chiropractor shall maintain records for  
14 patients which accurately, legibly and completely reflect the  
15 evaluation and treatment of the patient.

16 (b) All patient records shall include patient history,  
17 symptomatology, examination, diagnosis, prognosis and treatment.  
18 If abbreviations or symbols are used in daily record keeping, a  
19 key must be provided.

20 (c) In the event that the board takes disciplinary  
21 action against a chiropractor for any reason, these minimum record  
22 keeping standards will apply. It is understood that these  
23 procedures are the accepted standard(s) and anything less than  
24 this shall be considered unprofessional conduct in the practice of  
25 chiropractic.

26 SECTION 2. Section 73-6-19, Mississippi Code of 1972, is  
27 amended as follows:

28 73-6-19. (1) The board shall refuse to grant a certificate

29 of licensure to any applicant or may cancel, revoke or suspend the  
30 certificate upon the finding of any of the following facts  
31 regarding the applicant or licensed practitioner:

32 (a) Failure to comply with the rules and regulations  
33 adopted by the State Board of Chiropractic Examiners;

34 (b) Violation of any of the provisions of this chapter  
35 or any of the rules and regulations of the State Board of Health  
36 pursuant to this chapter with regard to the operation and use of  
37 X-rays;

38 (c) Fraud or deceit in obtaining a license;

39 (d) Addiction to the use of alcohol, narcotic drugs, or  
40 anything which would seriously interfere with the competent  
41 performance of his professional duties;

42 (e) Conviction by a court of competent jurisdiction of  
43 a felony, other than manslaughter or any violation of the United  
44 States Revenue Code;

45 (f) Unprofessional and unethical conduct;

46 (g) Contraction of a contagious disease which may be  
47 carried for a prolonged period;

48 (h) Failure to report to the Mississippi Department of  
49 Human Services or the county attorney any case wherein there are  
50 reasonable grounds to believe that a child has been abused by its  
51 parent or person responsible for such child's welfare;

52 (i) Advising a patient to use drugs, prescribing or  
53 providing drugs for a patient, or advising a patient not to use a  
54 drug prescribed by a licensed physician or dentist;

55 (j) Professional incompetency in the practice of  
56 chiropractic;

57 (k) Having disciplinary action taken by his peers  
58 within any professional chiropractic association or society;

59 (l) Offering to accept or accepting payment for  
60 services rendered by assignment from any third-party payor after  
61 offering to accept or accepting whatever the third-party payor  
62 covers as payment in full, if the effect of the offering or

63 acceptance is to eliminate or give the impression of eliminating  
64 the need for payment by an insured of any required deductions  
65 applicable in the policy of the insured;

66 (m) Associating his practice with any chiropractor who  
67 does not hold a valid chiropractic license in Mississippi, or  
68 teach chiropractic manipulation to non-qualified persons under  
69 Section 73-6-13; \* \* \*

70 (n) Failure to make payment on chiropractic student  
71 loans; or

72 (o) Failure to follow record keeping requirements  
73 prescribed in Section 73-6-18.

74 (2) Any holder of such certificate or any applicant therefor  
75 against whom is preferred any of the designated charges shall be  
76 furnished a copy of the complaint and shall receive a formal  
77 hearing in Jackson, Mississippi, before the board, at which time  
78 he may be represented by counsel and examine witnesses. The board  
79 is authorized to administer oaths as may be necessary for the  
80 proper conduct of any such hearing. In addition, the board is  
81 authorized and empowered to issue subpoenas for the attendance of  
82 witnesses and the production of books and papers. The process  
83 issued by the board shall extend to all parts of the state. Where  
84 in any proceeding before the board any witness shall fail or  
85 refuse to attend upon subpoena issued by the board, shall refuse  
86 to testify, or shall refuse to produce any books and papers, the  
87 production of which is called for by the subpoena, the attendance  
88 of such witness and the giving of his testimony and the production  
89 of the books and papers shall be enforced by any court of  
90 competent jurisdiction of this state in the manner provided for  
91 the enforcement of attendance and testimony of witnesses in civil  
92 cases in the courts of this state.

93 (3) In addition to any other investigators the board  
94 employs, the board shall appoint one or more licensed  
95 chiropractors to act for the board in investigating the conduct  
96 relating to the competency of a chiropractor, whenever

97 disciplinary action is being considered for professional  
98 incompetence and unprofessional conduct.

99 (4) Whenever the board finds any person unqualified to  
100 practice chiropractic because of any of the grounds set forth in  
101 subsection (1) of this section, after a hearing has been conducted  
102 as prescribed by this section, the board may enter an order  
103 imposing one or more of the following:

104 (a) Deny his application for a license or other  
105 authorization to practice chiropractic;

106 (b) Administer a public or private reprimand;

107 (c) Suspend, limit or restrict his license or other  
108 authorization to practice chiropractic for up to five (5) years;

109 (d) Revoke or cancel his license or other authorization  
110 to practice chiropractic;

111 (e) Require him to submit to care, counseling or  
112 treatment by physicians or chiropractors designated by the board,  
113 as a condition for initial, continued or renewal of licensure or  
114 other authorization to practice chiropractic;

115 (f) Require him to participate in a program of  
116 education prescribed by the board; or

117 (g) Require him to practice under the direction of a  
118 chiropractor designated by the board for a specified period of  
119 time.

120 (5) Any person whose application for a license or whose  
121 license to practice chiropractic has been cancelled, revoked or  
122 suspended by the board within thirty (30) days from the date of  
123 such final decision shall have the right of a de novo appeal to  
124 the circuit court of his county of residence or the Circuit Court  
125 of the First Judicial District of Hinds County, Mississippi. If  
126 there is an appeal, such appeal may, in the discretion of and on  
127 motion to the circuit court, act as a supersedeas. The circuit  
128 court shall dispose of the appeal and enter its decision promptly.  
129 The hearing on the appeal may, in the discretion of the circuit  
130 judge, be tried in vacation. Either party shall have the right of

131 appeal to the Supreme Court as provided by law from any decision  
132 of the circuit court.

133 (6) In a proceeding conducted under this section by the  
134 board for the revocation, suspension or cancellation of a license  
135 to practice chiropractic, after a hearing has been conducted as  
136 prescribed by this section, the board shall have the power and  
137 authority for the grounds stated in subsection (1) of this  
138 section, with the exception of paragraph (c) thereof, to assess  
139 and levy upon any person licensed to practice chiropractic in the  
140 state a monetary penalty in lieu of such revocation, suspension or  
141 cancellation, as follows:

142 (a) For the first violation, a monetary penalty of not  
143 less than Five Hundred Dollars (\$500.00) nor more than One  
144 Thousand Dollars (\$1,000.00) for each violation.

145 (b) For the second and each subsequent violation, a  
146 monetary penalty of not less than One Thousand Dollars (\$1,000.00)  
147 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for  
148 each violation.

149 The power and authority of the board to assess and levy such  
150 monetary penalties under this section shall not be affected or  
151 diminished by any other proceeding, civil or criminal, concerning  
152 the same violation or violations. A licensee shall have the right  
153 of appeal from the assessment and levy of a monetary penalty as  
154 provided in this section to the circuit court under the same  
155 conditions as a right of appeal is provided for in this section  
156 for appeals from an adverse ruling, or order, or decision of the  
157 board. Any monetary penalty assessed and levied under this  
158 section shall not take effect until after the time for appeal has  
159 expired, and an appeal of the assessment and levy of such a  
160 monetary penalty shall act as a supersedeas.

161 (7) In addition to the grounds specified in subsection (1)  
162 of this section, the board shall be authorized to suspend the  
163 license of any licensee for being out of compliance with an order  
164 for support, as defined in Section 93-11-153. The procedure for

165 suspension of a license for being out of compliance with an order  
166 for support, and the procedure for the reissuance or reinstatement  
167 of a license suspended for that purpose, and the payment of any  
168 fees for the reissuance or reinstatement of a license suspended  
169 for that purpose, shall be governed by Section 93-11-157 or  
170 93-11-163, as the case may be. Actions taken by the board in  
171 suspending a license when required by Section 93-11-157 or  
172 93-11-163 are not actions from which an appeal may be taken under  
173 this section. Any appeal of a license suspension that is required  
174 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
175 with the appeal procedure specified in Section 93-11-157 or  
176 93-11-163, as the case may be, rather than the procedure specified  
177 in this section. If there is any conflict between any provision  
178 of Section 93-11-157 or 93-11-163 and any provision of this  
179 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
180 case may be, shall control.

181 SECTION 3. This act shall take effect and be in force from  
182 and after July 1, 1999.