

By: Senator(s) Huggins

To: Public Health and Welfare

SENATE BILL NO. 2204

1 AN ACT TO CODIFY SECTION 73-6-35, MISSISSIPPI CODE OF 1972,  
2 TO PROHIBIT PERSONS FROM PERFORMING CERTAIN SPINAL MANIPULATION OR  
3 ADJUSTMENT WITHOUT QUALIFICATIONS AND TO PRESCRIBE PENALTIES FOR  
4 VIOLATION OF THIS SECTION; TO PROVIDE CERTAIN EXEMPTIONS; TO AMEND  
5 SECTION 73-23-33, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO;  
6 AND FOR RELATED PURPOSES.

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

8 SECTION 1. The following provision shall be codified as

9 Section 73-6-35, Mississippi Code of 1972:

10 73-6-35. (1) No person may perform a spinal manipulation or  
11 adjustment without first having the legal authority to  
12 differentially diagnose and have received a minimum of four  
13 hundred (400) clock hours or eighteen (18) semester hours of  
14 classroom instruction within a three-year period in spinal  
15 manipulation or spinal adjustment and a minimum of eight hundred  
16 (800) hours or thirty (30) semester hours of supervised clinical  
17 training at a facility where spinal manipulation or spinal  
18 adjustment is a primary method of treatment. For purpose of this  
19 section, "manipulation or adjustment" refers to a variety of  
20 specific manual and/or mechanical interventions which may be of  
21 high or low velocity, and/or high or low amplitude, with or  
22 without recoil. These passive movements, at times move the joint  
23 into the parapsycho-physiologic range which is accompanied by a  
24 cavitation or gapping of a joint which results in an intrasynovial  
25 vacuum phenomenon thought to involve gas separation from fluid,  
26 usually accompanied by an audible sound. This increase in motion  
27 has a refractory period during which an additional cavitation of  
28 the same joint will not occur. These various

29 manipulative/adjustive procedures have been shown to result in  
30 increased joint motion, compared to mobilization alone. The  
31 common denominator for the various manipulative/adjustive  
32 interventions is the reduction or correction of the vertebral  
33 subluxation, joint dysfunction, joint restriction or other  
34 biomechanical or manipulative lesion.

35 (2) Violation of this section is an unlawful practice of  
36 chiropractic and is grounds for the offending healthcare  
37 provider's licensing board to suspend, revoke, or refuse to renew  
38 such providers license or take other disciplinary action allowed  
39 by law. Any unlicensed individual found to be in violation of  
40 this act shall be subject to fines assessed by the Mississippi  
41 State Board of Chiropractic examiners for practicing chiropractic  
42 without a license.

43 (3) Nothing in this section shall in anyway apply to the  
44 scope of practice of:

45 (a) Any osteopathic physician licensed under  
46 Mississippi Code of 1972.

47 (b) Any person who practices medicine or surgery who is  
48 licensed under Mississippi Code of 1972.

49 SECTION 2. Section 73-23-33, Mississippi Code of 1972, is  
50 amended as follows:

51 73-23-33. As used in this chapter unless the context or  
52 subject matter otherwise requires:

53 (a) "Physical therapy" or "physiotherapy," which terms  
54 are deemed identical and interchangeable, means the art and  
55 science of a health specialty concerned with the prevention of  
56 disability, and the physical rehabilitation for congenital or  
57 acquired physical or mental disabilities, resulting from or  
58 secondary to injury or disease. The "practice of physical  
59 therapy" means the practice of the health specialty and  
60 encompasses physical therapy evaluation, treatment planning,

61 treatment administration, instruction and consultative services,  
62 including:

63 (i) Performing and interpreting tests and  
64 measurements as an aid to physical therapy treatment, for the  
65 purpose of correcting or alleviating any physical condition and to  
66 prevent the development of any physical or mental disability  
67 within the scope of physical therapy; and the performance of  
68 neuromuscular-skeletal tests and measurements as an aid in  
69 diagnosis, evaluation or determination of the existence of and the  
70 extent of any body malfunction;

71 (ii) Planning initial and subsequent treatment  
72 programs, on the basis of test findings; and

73 (iii) Administering treatment by therapeutic  
74 exercise, neurodevelopmental procedures, therapeutic massage,  
75 mechanical devices and therapeutic agents which employ the  
76 physical, chemical and other properties of air, water, heat, cold,  
77 electricity, sound and radiant energy for the purpose of  
78 correcting or alleviating any physical condition or preventing the  
79 development of any physical or mental disability, but excluding  
80 spinal manipulation and adjustment. The use of roentgen rays and  
81 radium for any purpose, and the use of electricity for surgical  
82 purposes including cauterization, are not part of physical  
83 therapy;

84 (b) "Physical therapist" means a person licensed in  
85 this state to practice physical therapy as defined in this  
86 chapter, and whose license is in good standing;

87 (c) "Physical therapist assistant" means a health care  
88 worker who assists a physical therapist in the provision of  
89 physical therapy under the direct, on-site supervision of the  
90 physical therapist. The physical therapist assistant may perform  
91 physical therapy procedures and related tasks that have been  
92 selected and delegated by the supervising physical therapist, but  
93 shall not perform the following physical therapy activities:

94 interpretation of referrals; physical therapy initial evaluation  
95 and reevaluation; identification, determination or modification of  
96 plans of care (including goals and treatment programs); final  
97 discharge assessment/evaluation or establishment of the discharge  
98 plan; or therapeutic techniques beyond the skill and knowledge of  
99 the physical therapist assistant;

100 (d) "Referral" means the written or oral designation of  
101 physical therapy services by a doctor of medicine, dentistry,  
102 osteopathy, podiatry or chiropractic, or by a nurse practitioner,  
103 holding a license in good standing; and the instruction therefor  
104 may be as detailed or as general as the doctor or nurse  
105 practitioner in his or her sound discretion deems necessary in the  
106 particular case;

107 (e) "Board" means the State Board of Health established  
108 in Section 41-3-1;

109 (f) "Department" means the State Department of Health  
110 established in Section 41-3-15;

111 (g) "Council" means the Physical Therapy Advisory  
112 Council established in Section 73-23-41;

113 (h) "Direct, on-site supervision" means face-to-face  
114 oversight by a licensed physical therapist at regular intervals,  
115 as prescribed in regulations adopted by the board, of the services  
116 provided to a patient by a licensed physical therapist assistant.

117 (i) "Direct supervision" means face-to-face oversight  
118 at regular intervals of a physical therapist issued a temporary  
119 license under Section 73-23-53(1) by a licensed physical  
120 therapist. Such direct supervision shall be in accordance with  
121 the regulations adopted by the board.

122 SECTION 3. This act shall take effect and be in force from  
123 and after July 1, 2001.