SENATE BILL NO. 2204

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

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

SECTION 1. The following provision shall be codified as Section 73-6-35, Mississippi Code of 1972:

73-6-35. (1) No person may perform a spinal manipulation or adjustment without first having the legal authority to
differentially diagnose and have received a minimum of four hundred (400) clock hours or eighteen (18) semester hours of
classroom instruction within a three-year period in spinal
manipulation or spinal adjustment and a minimum of eight hundred (800) hours or thirty (30) semester hours of supervised clinical
training at a facility where spinal manipulation or spinal
adjustment is a primary method of treatment. For purpose of this
section, "manipulation or adjustment" refers to a variety of
specific manual and/or mechanical interventions which may be of
high or low velocity, and/or high or low amplitude, with or
without recoil. These passive movements, at times move the joint
into the paraphysiologic range which is accompanied by a
cavitation or gapping of a joint which results in an intrasynovial
vacuum phenomenon thought to involve gas separation from fluid,
usually accompanied by an audible sound. This increase in motion
has a refractory period during which an additional cavitation of
the same joint will not occur. These various
manipulative/adjustive procedures have been shown to result in increased joint motion, compared to mobilization alone. The common denominator for the various manipulative/adjustive interventions is the reduction or correction of the vertebral subluxation, joint dysfunction, joint restriction or other biomechanical or manipulative lesion.

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

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

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

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

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

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

(a) "Physical therapy" or "physiotherapy," which terms are deemed identical and interchangeable, means the art and science of a health specialty concerned with the prevention of disability, and the physical rehabilitation for congenital or acquired physical or mental disabilities, resulting from or secondary to injury or disease. The "practice of physical therapy" means the practice of the health specialty and encompasses physical therapy evaluation, treatment planning,
treatment administration, instruction and consultative services, including:

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

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

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

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

(c) "Physical therapist assistant" means a health care worker who assists a physical therapist in the provision of physical therapy under the direct, on-site supervision of the physical therapist. The physical therapist assistant may perform physical therapy procedures and related tasks that have been selected and delegated by the supervising physical therapist, but shall not perform the following physical therapy activities:
interpretation of referrals; physical therapy initial evaluation and reevaluation; identification, determination or modification of plans of care (including goals and treatment programs); final discharge assessment/evaluation or establishment of the discharge plan; or therapeutic techniques beyond the skill and knowledge of the physical therapist assistant;

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

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

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

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

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

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

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