

By: Senator(s) Little (By Request)

To: Public Health and
Welfare

SENATE BILL NO. 2680

1 AN ACT TO AMEND SECTIONS 73-6-1 AND 73-6-19, MISSISSIPPI CODE
2 OF 1972, TO AUTHORIZE CHIROPRACTORS TO PROVIDE ANIMAL CHIROPRACTIC
3 TREATMENT UNDER CERTAIN CONDITIONS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 73-6-1, Mississippi Code of 1972, is
6 amended as follows:

7 73-6-1. (1) The practice of chiropractic involves the
8 analysis of any interference with normal nerve transmission and
9 expression, and the procedure preparatory to and complementary to
10 the correction thereof, by adjustment and/or manipulation of the
11 articulations of the vertebral column and its immediate
12 articulations for the restoration and maintenance of health
13 without the use of drugs or surgery.

14 (2) The chiropractic adjustment and/or manipulation of the
15 articulations of the human body may include manual adjustments
16 and/or manipulations and adjustments and/or manipulations by means
17 of electrical and mechanical devices which produce traction or
18 vibration. Chiropractors licensed under this chapter may also use
19 in conjunction with adjustments and/or manipulations of the spinal
20 structures electrical therapeutic modalities which induce heat or
21 electrical current beneath the skin, including therapeutic
22 ultrasound, galvanism, diathermy and electromuscular stimulation.

23 (3) Chiropractors licensed under this chapter may utilize
24 those electric therapeutic modalities described in subsection (2)
25 of this section only after the chiropractor has completed a course
26 of study containing a minimum of one hundred twenty (120) hours of
27 instruction in the proper utilization of those procedures in



28 accordance with the guidelines set forth by the Council on
29 Chiropractic Education, or its successor, and is qualified and so
30 certified in that proper utilization.

31 (4) Chiropractors shall not prescribe or administer medicine
32 to patients, perform surgery, practice obstetrics or osteopathy.
33 Chiropractors shall be authorized to recommend, dispense or sell
34 vitamins or food supplements.

35 (5) Chiropractors shall not use venipuncture, capillary
36 puncture, acupuncture or any other technique which is invasive of
37 the human body either by penetrating the skin or through any of
38 the orifices of the body or through the use of colonics.

39 (6) A person professing to practice chiropractic for
40 compensation must bring to the exercise of that person's
41 profession a reasonable degree of care and skill. Any injury
42 resulting from a want of such care and skill shall be a tort for
43 which a recovery may be had. If a chiropractor performs upon a
44 patient any act authorized to be performed under this chapter but
45 which act also constitutes a standard procedure of the practice of
46 medicine including, but not limited to, the use of modalities such
47 as those described in subsection (2) of this section and x-rays,
48 under similar circumstances, the chiropractor shall be held to the
49 same standard of care as would licensed doctors of medicine who
50 are qualified to and who actually perform those acts under similar
51 conditions and like circumstances.

52 (7) Chiropractors licensed under this chapter are authorized
53 to refer patients to licensed physical therapists for treatment.

54 (8) Doctors of chiropractic medicine may respond on a
55 referral basis and under the direct and immediate supervision of a
56 Mississippi licensed veterinarian to calls for animals requiring
57 their professional services provided the chiropractor has a
58 current license from the State Board of Chiropractic Examiners and
59 the chiropractor has completed a Mississippi Board of Veterinary
60 Medicine approved animal chiropractic course.



61 **SECTION 2.** Section 73-6-19, Mississippi Code of 1972, is
62 amended as follows:

63 73-6-19. (1) The board shall refuse to grant a certificate
64 of licensure to any applicant or may cancel, revoke or suspend the
65 certificate upon the finding of any of the following facts
66 regarding the applicant or licensed practitioner:

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

69 (b) Violation of any of the provisions of this chapter
70 or any of the rules and regulations of the State Board of Health
71 pursuant to this chapter with regard to the operation and use of
72 x-rays;

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

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

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

80 (f) Unprofessional and unethical conduct;

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

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

87 (i) Advising a patient to use drugs, prescribing or
88 providing drugs for a patient, or advising a patient not to use a
89 drug prescribed by a licensed physician or dentist;

90 (j) Professional incompetency in the practice of
91 chiropractic;

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



94 (1) Offering to accept or accepting payment for
95 services rendered by assignment from any third-party payor after
96 offering to accept or accepting whatever the third-party payor
97 covers as payment in full, if the effect of the offering or
98 acceptance is to eliminate or give the impression of eliminating
99 the need for payment by an insured of any required deductions
100 applicable in the policy of the insured;

101 (m) Associating his practice with any chiropractor who
102 does not hold a valid chiropractic license in Mississippi, or
103 teach chiropractic manipulation to nonqualified persons under
104 Section 73-6-13;

105 (n) Failure to make payment on chiropractic student
106 loans; * * *

107 (o) Failure to follow record keeping requirements
108 prescribed in Section 73-6-18; or

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(p) If the practitioner is certified to provide animal
110 chiropractic treatment, failure to follow guidelines approved by
111 the Mississippi Board of Veterinary Medicine.

112 (2) Any holder of such certificate or any applicant therefor
113 against whom is preferred any of the designated charges shall be
114 furnished a copy of the complaint and shall receive a formal
115 hearing in Jackson, Mississippi, before the board, at which time
116 he may be represented by counsel and examine witnesses. The board
117 is authorized to administer oaths as may be necessary for the
118 proper conduct of any such hearing. In addition, the board is
119 authorized and empowered to issue subpoenas for the attendance of
120 witnesses and the production of books and papers. The process
121 issued by the board shall extend to all parts of the state. Where
122 in any proceeding before the board any witness shall fail or
123 refuse to attend upon subpoena issued by the board, shall refuse
124 to testify, or shall refuse to produce any books and papers, the
125 production of which is called for by the subpoena, the attendance
126 of such witness and the giving of his testimony and the production



of the books and papers shall be enforced by any court of competent jurisdiction of this state in the manner provided for the enforcement of attendance and testimony of witnesses in civil cases in the courts of this state.

(3) In addition to any other investigators the board employs, the board shall appoint one or more licensed chiropractors to act for the board in investigating the conduct relating to the competency of a chiropractor, whenever disciplinary action is being considered for professional incompetence and unprofessional conduct.

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

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

(b) Administer a public or private reprimand;

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

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

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

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

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

(5) Any person whose application for a license or whose license to practice chiropractic has been cancelled, revoked or



suspended by the board within thirty (30) days from the date of such final decision shall have the right of a de novo appeal to the circuit court of his county of residence or the Circuit Court of the First Judicial District of Hinds County, Mississippi. If there is an appeal, such appeal may, in the discretion of and on motion to the circuit court, act as a supersedeas. The circuit court shall dispose of the appeal and enter its decision promptly. The hearing on the appeal may, in the discretion of the circuit judge, be tried in vacation. Either party shall have the right of appeal to the Supreme Court as provided by law from any decision of the circuit court.

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

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

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

The power and authority of the board to assess and levy such monetary penalties under this section shall not be affected or diminished by any other proceeding, civil or criminal, concerning the same violation or violations. A licensee shall have the right of appeal from the assessment and levy of a monetary penalty as provided in this section to the circuit court under the same



conditions as a right of appeal is provided for in this section for appeals from an adverse ruling, or order, or decision of the board. Any monetary penalty assessed and levied under this section shall not take effect until after the time for appeal has expired, and an appeal of the assessment and levy of such a monetary penalty shall act as a supersedeas.

(7) In addition to the grounds specified in subsection (1) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 3. This act shall take effect and be in force from and after July 1, 2003.

