

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH LEGISLATURE

S.F. No. 1665

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DATE	D-PG	OFFICIAL STATUS
05/16/2013	3744	Introduction and first reading Referred to Health, Human Services and Housing

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A bill for an act
relating to health; modifying the scope of practice for chiropractors; amending
Minnesota Statutes 2012, sections 148.01, subdivision 1, by adding a subdivision;
148.105, subdivision 1; repealing Minnesota Statutes 2012, section 148.01,
subdivision 3; Minnesota Rules, parts 2500.0100, subparts 3, 4b, 9b; 2500.4000.

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

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Section 1. Minnesota Statutes 2012, section 148.01, subdivision 1, is amended to read:
Subdivision 1. **Definitions.** For the purposes of sections 148.01 to 148.10:
(1) "~~chiropractic~~" ~~is defined as the science of adjusting any abnormal articulations~~
~~of the human body, especially those of the spinal column, for the purpose of giving~~
~~freedom of action to impinged nerves that may cause pain or deranged function; and~~
means the health care discipline that recognizes the innate recuperative power of the body
to heal itself without the use of drugs or surgery by identifying and caring for vertebral
subluxations and other abnormal articulations by emphasizing the relationship between
structure and function as coordinated by the nervous system and how that relationship
affects the preservation and restoration of health;
(2) "chiropractic services" means the evaluation and facilitation of structural,
biomechanical, and neurological function and integrity through the use of adjustment,
manipulation, mobilization, or other procedures accomplished by manual or mechanical
forces applied to bones or joints and their related soft tissues for correction of vertebral
subluxation, other abnormal articulations, neurological disturbances, structural alterations,
or biomechanical alterations, and includes, but is not limited to, manual therapy and
mechanical therapy as defined in section 146.23;
(3) "abnormal articulation" means the condition of opposing bony joint surfaces and
their related soft tissues that do not function normally, including subluxation, fixation,

adhesion, degeneration, deformity, dislocation, or other pathology that results in pain or disturbances within the nervous system, results in postural alteration, inhibits motion, allows excessive motion, alters direction of motion, or results in loss of axial loading efficiency, or a combination of these;

(4) "diagnosis" means the physical, clinical, and laboratory examination of the patient, and the use of diagnostic services for diagnostic purposes within the scope of the practice of chiropractic described in sections 148.01 to 148.10;

(5) "diagnostic services" means clinical, physical, laboratory, and other diagnostic measures, including diagnostic imaging that may be necessary to determine the presence or absence of a condition, deficiency, deformity, abnormality, or disease as a basis for evaluation of a health concern, diagnosis, differential diagnosis, treatment, further examination, or referral. Diagnostic services include reviewing the results and interpretations of and the ordering of computerized tomography, magnetic resonance imaging, and positron emission tomography scans but does not include interpretation of those procedures. An individual licensed under section 148.06 may interpret the results of the procedures if the individual has successfully completed a course of study and a national examination on chiropractic radiology. Nothing in this section shall prohibit an individual licensed under section 148.06 from owning equipment used for providing diagnostic services or from operating that equipment;

(6) "therapeutic services" means rehabilitative therapy as defined in Minnesota Rules, part 2500.0100, subpart 11, and all of the therapeutic, rehabilitative, and preventive sciences and procedures for which the licensee was subject to examination under section 148.06. When provided, therapeutic services must be performed: within a practice where the primary focus is the provision of chiropractic services; to prepare the patient for chiropractic services; or to complement the provision of chiropractic services. The administration of therapeutic services is the responsibility of the treating chiropractor and must be rendered under the direct supervision of qualified staff;

(7) "acupuncture" means a modality of treating abnormal physical conditions by stimulating various points of the body or interruption of the cutaneous integrity by needle insertion to secure a reflex relief of the symptoms by nerve stimulation as utilized as an adjunct to chiropractic adjustment. Acupuncture may not be used as an independent therapy or separately from chiropractic services. Acupuncture is permitted under section 148.01 only after registration with the board which requires completion of a board-approved course of study and successful completion of a board-approved national examination on acupuncture. Renewal of registration shall require completion of board-approved continuing education requirements in acupuncture. The restrictions of

section 147B.02, subdivision 2, apply to individuals registered to perform acupuncture under this section; and

(2) (8) "animal chiropractic diagnosis and treatment" means treatment that includes identifying and resolving vertebral subluxation complexes, spinal manipulation, and manipulation of the extremity articulations of nonhuman vertebrates. Animal chiropractic diagnosis and treatment does not include:

(i) performing surgery;

(ii) dispensing or administering of medications; or

(iii) performing traditional veterinary care and diagnosis.

Sec. 2. Minnesota Statutes 2012, section 148.01, is amended by adding a subdivision to read:

Subd. 4. **Practice of chiropractic.** An individual licensed to practice under section 148.06 is authorized to perform chiropractic services, acupuncture, therapeutic services, and to provide diagnosis and to render opinions pertaining to those services for the purpose of determining a course of action in the best interests of the patient, such as a treatment plan, appropriate referral, or both.

Sec. 3. Minnesota Statutes 2012, section 148.105, subdivision 1, is amended to read:

Subdivision 1. **Generally.** Any person who practices, or attempts to practice, chiropractic or who uses any of the terms or letters "Doctors of Chiropractic," "Chiropractor," "DC," or any other title or letters under any circumstances as to lead the public to believe that the person who so uses the terms is engaged in the practice of chiropractic, without having complied with the provisions of sections 148.01 to 148.104, is guilty of a gross misdemeanor; and, upon conviction, fined not less than \$1,000 nor more than \$10,000 or be imprisoned in the county jail for not less than 30 days nor more than six months or punished by both fine and imprisonment, in the discretion of the court. It is the duty of the county attorney of the county in which the person practices to prosecute. Nothing in sections 148.01 to 148.105 shall be considered as interfering with any person:

(1) licensed by a health-related licensing board, as defined in section 214.01, subdivision 2, including psychological practitioners with respect to the use of hypnosis;

(2) registered or licensed by the commissioner of health under section 214.13; or

(3) engaged in other methods of healing regulated by law in the state of Minnesota;

provided that the person confines activities within the scope of the license or other regulation and does not practice or attempt to practice chiropractic.

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Sec. 4. **REPEALER.**

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Minnesota Statutes 2012, section 148.01, subdivision 3, is repealed.

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Minnesota Rules, parts 2500.0100, subparts 3, 4b, and 9b; and 2500.4000, are

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repealed.

APPENDIX
Repealed Minnesota Statutes: 13-3144

148.01 CHIROPRACTIC.

Subd. 3. **Inclusions.** Chiropractic practice includes those noninvasive means of clinical, physical, and laboratory measures and analytical x-ray of the bones of the skeleton which are necessary to make a determination of the presence or absence of a chiropractic condition. The practice of chiropractic may include procedures which are used to prepare the patient for chiropractic adjustment or to complement the chiropractic adjustment. The procedures may not be used as independent therapies or separately from chiropractic adjustment. No device which utilizes heat or sound shall be used in the treatment of a chiropractic condition unless it has been approved by the Federal Communications Commission. No device shall be used above the neck of the patient. Any chiropractor who utilizes procedures in violation of this subdivision shall be guilty of unprofessional conduct and subject to disciplinary procedures according to section 148.10.

APPENDIX
Repealed Minnesota Rule: 13-3144

2500.0100 DEFINITIONS.

Subp. 3. **Acupuncture.** "Acupuncture" means a modality of treating abnormal physical conditions by stimulating various points of the body or interruption of the cutaneous integrity by needle insertion to secure a reflex relief of the symptoms by nerve stimulation as utilized as an adjunct to chiropractic adjustment.

2500.0100 DEFINITIONS.

Subp. 4b. **Diagnosis.** "Diagnosis" means the physical, clinical, and laboratory examination of the patient, and the use of X-ray for diagnostic purposes within the scope of practice described in Minnesota Statutes, sections 148.01 to 148.10.

2500.0100 DEFINITIONS.

Subp. 9b. **Practice of chiropractic.** "Practice of chiropractic" includes the examination, diagnosis, prognosis, and treatment by chiropractic methods, or the rendering of opinions pertaining to those methods, for the purposes of determining a course of action in the best interests of the patient, such as a treatment plan or appropriate referral, or both. The methods may include those procedures preparatory or complementary to a chiropractic adjustment or other normal chiropractic regimen and rehabilitation of the patient as taught in accredited chiropractic schools or programs, pursuant to Minnesota Statutes, section 148.06.

2500.4000 REHABILITATIVE TREATMENT.

Rehabilitative therapy, within the context of the practice of chiropractic, may be done to prepare a patient for chiropractic adjustment or to complement the chiropractic adjustment, provided the treating chiropractor initiates the development and authorization of the rehabilitative therapy.

The administration of the rehabilitative therapy is the responsibility of the treating chiropractor.

The rehabilitative therapy must be rendered under the direct supervision of qualified staff.