

BILL ANALYSIS

Senate Research Center

S.B. 662
By: Moncrief
Health & Human Services
3-20-97
Committee Report (Amended)

DIGEST

Currently, the Texas Board of Chiropractic Examiners has encountered problems with chiropractic clinics owned by non-licensed individuals. In clinics owned by non-licensed persons, the non-licensed person technically has the final decision regarding treatment because the chiropractor is the person's employee. Problems arise when clinic owners fraudulently authorize reports or claims using the chiropractor's name. This legislation requires any person who owns, maintains, or operates a chiropractic office or business to be licensed, in an effort to better protect chiropractic clientele and ensure that only licensed individuals are in a position to make treatment decisions.

PURPOSE

As proposed, S.B. 662 sets forth regulations regarding the unauthorized practice of chiropractic and provides civil penalties and injunctive relief.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Board of Chiropractic Examiners in SECTION 2 (Section 12a, Article 4512b, V.T.C.S.) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 4512b, V.T.C.S., by adding Section 5b, as follows:

Sec. 5b. Sets forth the terms by which a person is deemed to be practicing chiropractic, is required to be licensed, and is subject to the provisions of this chapter. Provides that a violation of this section constitutes the unauthorized practice of chiropractic. Establishes the conditions by which the Texas Board of Chiropractic Examiners (board) is authorized to institute suit. Provides that nothing in this section shall be construed to prevent certain individuals or entities from employing a licensed chiropractor, provided that such entity or person shall not control or attempt to control the professional judgment of a licensed chiropractor with regard to the diagnosis or treatment of a patient. Provides that nothing in this section shall be construed to prevent a licensed chiropractor from working for such an entity or person, provided that such an entity shall not directly or indirectly control the professional judgment of a chiropractor. Provides that nothing in this section shall be construed to prevent the administrator or executor of the estate of a deceased chiropractor or a person legally authorized to act for a mentally incompetent chiropractor from employing a licensed chiropractor to carry on the practice for a certain period of time, or conclude the affairs of the practice. Provides that nothing in this section shall be construed to prevent a licensed chiropractor from working for such a person for a period of time during the administration of the estate or the period of incapacity. Prohibits a nonlicensed person who owns, maintains, or operates a chiropractic facility on September 1, 1997, and whose chiropractic facility is licensed pursuant to this Act on the effective date of this section from being required to be licensed to practice chiropractic. Prohibits the same person from being permitted to own, maintain, or operate any additional chiropractic facilities after September 1, 1997, provided that nothing in this section shall be construed to prevent the relocation of an existing chiropractic facility.

SECTION 2. Amends Section 12a, Article 4512b, V.T.C.S., to require the board to adopt rules for

the licensing and regulation of owners or operators of chiropractic facilities as necessary to protect the public health, safety and welfare.

SECTION 3. Severability clause.

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amendment 1:

Adds a new Subsection (f) in SECTION 1, regarding a nonlicensed person who owns, maintains, or operates a chiropractic facility on September 1, 1997, and whose chiropractic facility is licensed pursuant to this Act on the effective date of this section. Provides that nothing in this section shall be construed to prevent the relocation of an existing chiropractic facility.

Inserts SECTION 2 and renumbers the remaining sections accordingly to amend Section 12a, Article 4512b, V.T.C.S., to require the board to adopt rules for the licensing and regulation of owners or operators of chiropractic facilities.

Amendment 2:

Page 1, line 19, after the word "The", deletes the words "attorney general or the".