

BILL ANALYSIS

Senate Research Center
77R1032 JMM-F

S.B. 330
By: Jackson
Health & Human Services
2/5/2001
As Filed

DIGEST AND PURPOSE

Currently, there is no set standard for education, training, and skills development in spinal manipulation for certain professionals practicing in the state of Texas. As proposed, S.B. 330 sets forth the education and training requirements to perform spinal manipulation or adjustment by certain health care providers and provides a penalty for unqualified persons attempting to perform the procedure.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 201G, Occupations Code, to add Section 201.3035, as follows:

Sec. 201.3035. REQUIREMENTS TO PERFORM SPINAL MANIPULATION OR ADJUSTMENT. Defines "license as a health care provider," and "spinal manipulation or adjustment." Prohibits a person from performing spinal manipulation or adjustment (adjustment) without legal authority to differentially diagnose and without certain training. Provides that the specific requirements listed in this section are in addition to other requirements for a license under this subchapter. Provides that a person who violates this section engages in the unlawful practice of chiropractic and is subject to disciplinary action under Subchapter K. Prohibits a person who holds a license as a health care provider from performing an adjustment unless the person meets the requirements of this section and the adjustment is within the scope of practice under the person's license. Provides that a person subject to this section and who violates this section engages in the unlawful practice of their licensed profession and is subject to disciplinary action as provided by the law governing the person's license. Provides that this section does not restrict a physician licensed under Subtitle B from practicing medicine.

SECTION 2. Amends Section 201.604, Occupations Code, to add Section 201.606 to the list of exceptions to violations of this chapter.

SECTION 3. Amends Chapter 201M, Occupations Code, to add Section 201.606, as follows:

Sec. 201.606. CRIMINAL PENALTY: PERFORMANCE OF SPINAL MANIPULATION WITHOUT LICENSE. Defines "license as a health care provider." Provides that a person commits an offense if the person violates Section 201.3035 and does not hold a license as a health care provider. Provides that an offense under this section is a third degree felony.

SECTION 4. Effective date: upon passage or September 1, 2001.