**South Carolina General Assembly**

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**S. 745**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Knotts, Land and Matthews

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Introduced in the Senate on March 30, 2011

Currently residing in the Senate Committee on **Medical Affairs**

Summary: Definitions and licensure of chiropractors

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/30/2011 Senate Introduced and read first time ([Senate Journal‑page 18](file:///h:\sj%20archive\2011\03-30-11.docx))

3/30/2011 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 18](file:///h:\sj%20archive\2011\03-30-11.docx))

**VERSIONS OF THIS BILL**

[3/30/2011](file:///p:\pprever\2011-12\745_20110330.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑9‑42 SO AS TO PROVIDE THE SCOPE OF PRACTICE OF A CERTIFIED ADVANCED PRACTICE CHIROPRACTIC PHYSICIAN; TO AMEND SECTION 40‑9‑10, RELATING TO DEFINITIONS CONCERNING CHIROPRACTORS AND THE CHIROPRACTIC PROFESSION, SO AS TO DEFINE CERTAIN TERMS; AND TO AMEND SECTION 40‑9‑20, RELATING TO THE LICENSURE OF CHIROPRACTORS, SO AS TO PROVIDE A CHIROPRACTOR MAY BECOME CERTIFIED AS AN ADVANCED PRACTICE CHIROPRACTIC PHYSICIAN UPON THE SATISFACTION OF CERTAIN REQUIREMENTS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 9, Title 40 of the 1976 Code is amended by adding:

“Section 40‑9‑42. (A)(1) An APC‑C may prescribe, administer, and dispense amino acids, bioidentical hormones, caffeine, dietary supplements, enzymes, epinephrine, gerovital, glandular products, herbal medicines, homeopathic medicines, live cell products, minerals, over‑the‑counter drugs, oxygen, procaine, protomorphogens, sarapin or its generic, sterile saline, sterile water, vapocoolants, and vitamins.

(2) The board, with advisory input from the State Board of Medical Examiners and the State Board of Pharmacy, shall establish:

(a) a formulary that includes all substances listed in subsection (A), including compounded preparations for topical and oral administration by an APC‑C; and

(b) a formulary for injection that includes the substances in subsection (A) that are within the scope of practice of an APC‑C.

(B)(1) An APC‑C with a conditional prescription certificate or prescription certificate may, in addition to those substances specified in subsection (A), prescribe, administer, and dispense drugs used in primary care practice, including compounded preparations for topical and oral administration and injection, testosterone in all its forms, and codeine in cough syrup.

(2) The board, with advisory input from the State Board of Medical Examiners and the State Board of Pharmacy, shall establish by regulation a formulary that includes substances listed in this subsection.

(C) An APC‑C may apply to the board for a conditional prescription certificate on a form prescribed by the board. At a minimum, information provided on this form must demonstrate that the applicant:

(1) has successfully completed an educational program in advanced clinical practice at a master’s degree‑level or higher or equivalent from an accredited institution of higher education or professional school, and either of these programs must include a minimum number of clinical rotation hours set by the board by regulation;

(2) holds a current license to practice chiropractic medicine;

(3) has successfully completed pharmacological training from an institution of higher education approved by the board or from a provider of continuing education approved by the board;

(4) within the five years immediately preceding the date of application, has successfully completed an organized program of education approved by the board and consisting of didactic instruction of no fewer than four hundred and fifty classroom hours from a combination of the following core areas of instruction as determined by the board through regulation:

(a) pharmacology;

(b) physiology;

(c) pathophysiology;

(d) appropriate and relevant physical and laboratory assessment; and

(e) clinical pharmacotherapeutics;

(5) within five years immediately preceding the date of application, successfully completed a clinical experience approved by the board, under the supervision of a medical doctor that at a minimum consists of:

(a) four hundred hours or more of clinical rotation practicum in clinical assessment and pathophysiology; and

(b) four hundred hours or more of treating one hundred or more patients with disorders relevant to the certified advanced practice chiropractic physician’s clinical specialty;

(6) has malpractice insurance in place that is sufficient to satisfy the rules adopted by the board and that will cover the applicant during the period the conditional prescription certificate is in effect; and

(7) a declaration from the supervising medical doctor that the applicant has successfully completed the clinical experience.

(D) The board shall issue a conditional prescription certificate if it finds that the applicant has met the requirements of subsection (C). The conditional prescription certificate must be valid for a period of two years, at the end of which the holder may again apply pursuant to the provisions of subsection (C). During the period that the conditional prescription certificate is in effect, the board shall ensure that an APC‑C with a conditional prescription certificate:

(1) continues to hold a current license to practice chiropractic and maintains malpractice insurance;

(2) has no disciplinary actions taken against the certified advanced practice chiropractic physician by the board;

(3) only prescribes substances specified in subsection (B) under the supervision of a medical doctor, informs the board of the name of the medical doctor under whose supervision the certified advanced practice chiropractic physician will prescribe substances specified in subsection (B) and promptly informs the board of any change of the supervising medical doctor;

(4) submits a report to the supervising medical doctor every three months demonstrating twenty‑five or more patient clinical assessments, including diagnosis, medications prescribed and outcomes; and

(5) has the supervising medical doctor review the report and submit with the report a declaration that the certified advanced practice chiropractic physician has met the conditions of items (1) through (4) of this subsection to the board.

(E) An APC‑C may apply to the board for a prescription certificate. The application must be made on a form prescribed by the board and at a minimum contain evidence satisfactory to the board that the applicant:

(1) has a conditional prescription certificate for two years and has successfully prescribed substances specified in subsection (B) for two years;

(2) has successfully undergone a process of independent peer review approved by the board;

(3) holds a current license to practice chiropractic;

(4) has malpractice insurance in place that is sufficient to satisfy the rules adopted by the board; and

(5) meets all other requirements, as determined by rule of the board, for obtaining a prescription certificate.

(F)(1) The board shall issue a prescription certificate if it finds that the applicant meets the requirements of subsection (E).

(2) An APC‑C with a prescription certificate shall:

(a) continuously hold a current license to practice chiropractic;

(b) continuously maintain malpractice insurance, and must quarterly provide evidence of his compliance with this requirement; and

(c) satisfy the annual continuing education program requirements required under item (G)(3).

(G) The board shall promulgate regulations concerning the:

(1) issuance and renewal of a conditional prescription certificate and a prescription certificate;

(2) denial, suspension, or revocation of a conditional prescription certificate and prescription certificate, including a provision requiring the automatic suspension of a license to practice chiropractic upon suspension of a prescription certificate and revocation of a license to practice chiropractic upon revocation of a prescription certificate; and

(3) annual continuing education requirements for an APC‑C, which must be in addition to continuing education requirements for a chiropractic license and must require at least twenty‑four hours of continuing education.”

SECTION 2. Section 40‑9‑10 of the 1976 Code, as last amended by Act 230 of 2010, is further amended to read:

“Section 40‑9‑10. As used in this chapter:

(1) ‘Certified Advanced Practice Chiropractic physician’ or ‘APC‑C’ means a chiropractor licensed under this chapter who has obtained additional certification to prescribe and administer certain substances as provided in Section 40‑9‑42.

(~~a~~2) ‘Chiropractic’ is defined as that science and art ~~which utilizes~~ that uses the inherent recuperative powers of the body and deals with the relationship between the nervous system and the spinal column, including its immediate articulations and the role of this relationship in the restoration and maintenance of health.

(~~b~~3) ‘Chiropractic practice’ is defined as the spinal analysis of ~~any~~ an interference with normal nerve transmission and expression, and by adjustment to the articulations of the vertebral column and its immediate articulations for the restoration and maintenance of health and the normal regimen and rehabilitation of the patient without the use of ~~drugs or~~ surgery. Chiropractic practice includes the prescription and administration of certain substances as provided in Section 40‑9‑42.

(~~c~~4) ‘Analysis’ is defined as physical examination, the use of x‑ray, and procedures generally used in the practice of chiropractic.

(~~d~~5) ~~Any~~ A machine used in ‘chiropractic practice’ or ‘analysis’ must first be approved by the South Carolina Board of Chiropractic Examiners.

(~~e~~6) ‘Preceptorship’ or ‘residency training program’ means a clinical program of an approved college of chiropractic in which a chiropractic intern or resident practices chiropractic under the direct supervision of a licensed chiropractor.

(~~f~~7) ‘Chiropractic preceptor’ means a person licensed under this chapter who is approved by the board to supervise chiropractic students in the performance of chiropractic at a location other than the premises of a chiropractic college in which the student is enrolled. A chiropractic preceptor must:

(~~1~~a) have been licensed to practice chiropractic in South Carolina for not less than five years;

(~~2~~b) not have been publicly or privately sanctioned by a chiropractic licensure board in any state;

(~~3~~c) sign a sworn statement that he ~~or she~~ has not knowingly violated state or federal rules or regulations including, but not limited to, those pertaining to the repayment of guaranteed federally funded student loans;

(~~4~~d) receive written approval of the chiropractic college to serve as an adjunct faculty member for the purpose of an individual student’s preceptorship or residency training program;

(~~5~~e) supervise no more than one chiropractic student at a time at a location other than the premises of the chiropractic college in which the student is enrolled.

(~~g~~8) ‘Direct supervision’ means the chiropractic preceptor must be within the immediate patient treatment area and available to the student at all times.”

SECTION 3. Section 40‑9‑20 of the 1976 Code, as last amended by Act 230 of 2010, is further amended to read:

“Section 40‑9‑20. (A)(1) ~~No~~ A person may not practice chiropractic in this State without a license issued by the South Carolina Board of Chiropractic Examiners as provided in this chapter, except students participating in a preceptorship or residency training program may perform without a license chiropractic procedures under the direct supervision of a chiropractic preceptor. These procedures and this supervision must be practiced within the confines of the appropriate chiropractic college or office of a licensed chiropractor.

(2) A person may not practice as an APC‑C unless he satisfies the additional requirements of Section 40‑9‑42.

(B) ~~No charges~~ A charge for a professional service may not be made to ~~any~~ a patient or ~~to~~ his insurance company for ~~any~~ work performed on the patient by ~~the students~~ a chiropractic student or ~~by the~~ a licensed chiropractor on the college staff while supervising ~~the students~~ a chiropractic student or by ~~the~~ a licensed chiropractor in an office while supervising ~~the students~~ a chiropractic student. However, the chiropractic college or the office of the licensed chiropractor may charge the patient for the actual costs and expenses it incurs for the use of its clinical property or facilities by the patient.

(C) This section does not apply to ~~any~~ a chiropractic college ~~which has failed~~ that fails to attain accredited status from the Council on Chiropractic Education or its successors or from the Commission on Accreditation of the Straight Chiropractic Academic Standards Association.”

SECTION 4. This act takes effect upon approval by the Governor.

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