

Senate Bill 184

By: Senators Unterman of the 45th, Cagle of the 49th, Henson of the 41st, Shafer of the 48th and Butler of the 55th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 9 of Title 43 of the Official Code of Georgia Annotated, relating to  
2 chiropractors, so as to provide definitions; to provide for the scope of practice; to increase  
3 the penalty for improper practice; to provide for related matters; to repeal conflicting laws;  
4 and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 9 of Title 43 of the Official Code of Georgia Annotated, relating to chiropractors,  
8 is amended by striking Code Section 43-9-1, relating to definitions, and inserting in lieu  
9 thereof a new Code Section 43-9-1 to read as follows:

10 "43-9-1.

11 As used in this chapter, the term:

12 (1) 'Board' means the Georgia Board of Chiropractic Examiners.

13 (2) 'Chiropractic' means the adjustment of the ~~articulation~~ articulations of the human  
14 body, including ilium, sacrum, and coccyx, ~~and the use of electric X-ray photography,~~  
15 ~~provided that the X-ray shall not be used for therapeutical purposes.~~ The term  
16 'chiropractic' shall also mean that separate and distinct branch of the healing arts whose  
17 science and art utilize the inherent recuperative powers of the body and the relationship  
18 between the ~~musculoskeletal structures~~ skeletal structures and ~~functions of the body,~~  
19 ~~particularly of the spinal column~~ related muscular and soft tissue components and their  
20 relationship to the nervous system, in the restoration and maintenance of health.

21 Chiropractic is a learned profession which teaches that the relationship between structure  
22 and function in the human body is a significant health factor and that such relationships  
23 between the spinal column and the nervous system are most significant, since the normal  
24 transmission and expression of nerve energy are essential to the restoration and  
25 maintenance of health. ~~However, the term 'chiropractic' shall not include the use of drugs~~  
26 ~~or surgery.~~ The adjustment referred to in this paragraph and subsection (b) of Code

1 Section 43-9-16 may only be administered by a doctor of chiropractic authorized to do  
 2 so by the provisions of this chapter; ~~provided, however, that the provisions of this Code~~  
 3 ~~section shall not prevent any other health care provider from administering techniques~~  
 4 ~~authorized within their scope of practice.~~

5 (3) 'Health certificate' means a certification of physical examination in sickness, health,  
 6 or disability including reports for absence from employment or school or from  
 7 participation in sports activities.

8 (4) The 'practice of chiropractic' incorporates the fact that doctors of chiropractic  
 9 evaluate and facilitate biomechanical and neurobiological function and integrity with a  
 10 focus on subluxation and, as direct access health care providers, employ the education,  
 11 knowledge, diagnostic skill, and clinical judgment necessary to determine appropriate  
 12 chiropractic care and management. Chiropractic analysis and diagnosis may include the  
 13 use of x-rays, physical examination, noninvasive instrumentation, and laboratory  
 14 procedures in order to determine a regimen of chiropractic care, to monitor response to  
 15 care, or to form a basis for referral of patients to other licensed health care professionals.  
 16 The 'practice of chiropractic' shall also include a peer review as defined as the procedure  
 17 by which chiropractors licensed in the State of Georgia evaluate the quality and  
 18 efficiency of services ordered or performed by other chiropractors, including, but not  
 19 limited to, practice analysis, audit, claims review, underwriting assistance, and  
 20 compliance with applicable laws, rules, and regulations.

21 (5) 'Subluxation' means a complex of functional or pathological articular changes that  
 22 compromise neutral integrity and may influence organ system function and general  
 23 health. A subluxation is evaluated, diagnosed, and managed through the use of  
 24 chiropractic procedures based on the best available rational and empirical evidence."

## 25 SECTION 2.

26 Said chapter is further amended by striking Code Section 43-9-16, relating to scope of  
 27 practice, and inserting in lieu thereof a new Code Section 43-9-16 to read as follows:

28 "43-9-16.

29 (a) Chiropractors who have complied with this chapter shall have the right to practice  
 30 chiropractic as defined in paragraph ~~(2)~~(4) of Code Section 43-9-1 and to adjust patients  
 31 according to specific chiropractic methods in order to correct spinal subluxations or to  
 32 adjust the articulations of the human body. Chiropractors shall observe all applicable  
 33 public health regulations.

34 (b) The chiropractic adjustment of ~~the~~ spinal subluxations or articulations of the human  
 35 body may include manual adjustments and adjustments by means of electrical and  
 36 mechanical devices which produce traction, or vibration, or impulse. Chiropractors During

1 the management of a case, in addition to adjustments of the skeletal structure or structures,  
 2 chiropractors who have complied with this chapter may also use ~~in conjunction with~~  
 3 ~~adjustments of the spinal structures~~ or directly supervise the use of electrical therapeutic  
 4 modalities which induce heat or electrical current beneath the skin, including, but not  
 5 limited to, therapeutic ultrasound, galvanism, interferential, hydrotherapy, microwave,  
 6 diathermy, and electromuscular stimulation. Chiropractors who have complied with this  
 7 chapter may utilize and recommend hot and cold packs, exercise, myofascial therapy,  
 8 massage, vitamins, minerals, food supplements, rehabilitative procedures, and  
 9 ~~nonprescription, over-the-counter~~ structural supports for the articulations of the human  
 10 body ~~which are commonly available through retail pharmacy outlets~~; provided, however,  
 11 the same shall not be construed to allow chiropractors to treat patients outside the scope of  
 12 practice of chiropractic as set forth in this chapter.

13 (c) Chiropractors who have complied with this chapter may utilize those electric  
 14 therapeutic modalities described in subsection (b) of this Code section, provided that the  
 15 chiropractor shall have completed a course of study containing a minimum of 120 hours  
 16 of instruction in the proper utilization of those procedures in accordance with the guidelines  
 17 set forth by the Council on Chiropractic Education or its successor and is qualified and so  
 18 certified in that proper utilization.

19 (d) Chiropractors who have complied with this chapter shall have the right to sign health  
 20 certificates, reporting to the proper health officers the same as other practitioners.

21 (e) Chiropractors who have complied with this chapter may order laboratory tests,  
 22 urinalysis, and diagnostic imaging and neurodiagnostic studies as indicated.

23 ~~(e)(f)~~ Chiropractors shall not prescribe or administer medicine to patients, perform  
 24 surgery, or practice obstetrics or osteopathy.

25 ~~(f)(g) Chiropractors shall not use venipuncture, capillary puncture, acupuncture, or any~~  
 26 ~~other technique which is invasive of the human body either by penetrating the skin or~~  
 27 ~~through any of the orifices of the body or through the use of colonics. The practice of~~  
 28 chiropractic as defined in this chapter shall not include venipuncture, acupuncture, colonic  
 29 irrigation, rectal examinations, gynecological examinations, injecting of dyes or radioactive  
 30 materials for radiological or imaging procedures, lumbar puncture, treatment of cancer, or  
 31 therapeutic X-ray. Nothing in this subsection shall be construed to prohibit a chiropractor  
 32 who is licensed to perform acupuncture under Article 3 of Chapter 34 of this title from  
 33 engaging in the practice of acupuncture.

34 ~~(g)(h)~~ A person professing to practice chiropractic for compensation must bring to the  
 35 exercise of that person's profession a reasonable degree of care and skill. Any injury  
 36 resulting from a want of such care and skill shall be a tort for which a recovery may be had.  
 37 ~~If a chiropractor performs upon a patient any act authorized to be so performed under this~~

1 ~~chapter but which act also constitutes a standard procedure of the practice of medicine,~~  
 2 ~~including but not limited to the use of modalities such as those described in subsection (b)~~  
 3 ~~of this Code section and X-rays, under similar circumstances the chiropractor shall be held~~  
 4 ~~to the same standard of care as would licensed doctors of medicine who are qualified to and~~  
 5 ~~who actually perform those acts under similar conditions and like circumstances.~~

6 ~~(h)(i)~~ (i) A licensed practitioner of chiropractic may use only the title 'chiropractor,' or 'doctor  
 7 of chiropractic,' or 'D.C.'

8 ~~(i) Chiropractors who have complied with this chapter may recommend the use of~~  
 9 ~~vitamins, minerals, or food supplements. Any such recommendation of vitamins, minerals,~~  
 10 ~~or food supplements shall not be construed to allow chiropractors to treat patients outside~~  
 11 ~~the scope of the practice of chiropractic as set forth in this chapter nor shall this subsection~~  
 12 ~~be construed to allow chiropractors to sell at a profit any such vitamins, minerals, or food~~  
 13 ~~supplements without providing their generic name. Nothing in this subsection shall~~  
 14 ~~preclude compliance with Chapter 8 of Title 48, relating to the collection of sales and use~~  
 15 ~~taxes."~~

### 16 SECTION 3.

17 Said chapter is further amended by striking Code Section 43-9-19, relating to penalties, and  
 18 inserting in lieu thereof a new Code Section 43-9-19 to read as follows:

19 "43-9-19.

20 It shall be unlawful for any person to practice chiropractic unless that person shall have  
 21 first obtained a license as provided in this chapter and possesses all the qualifications  
 22 prescribed by the terms of this chapter. Any person who practices or attempts to practice  
 23 chiropractic without a license, or who buys or fraudulently obtains a license to practice  
 24 chiropractic, or who violates any of the terms of this chapter, or who uses the title 'doctor  
 25 of chiropractic,' 'chiropractor,' 'chiropractic,' 'D.C.,' or any word or title to induce the belief  
 26 that such a person is engaged in the practice of chiropractic, without first complying with  
 27 this chapter, shall be guilty of a felony and, upon conviction thereof, shall be punished by  
 28 a fine of not less than \$500.00 nor more than ~~\$1,000.00~~ \$5,000.00, or by imprisonment for  
 29 not less than two nor more than five years, or both, at the discretion of the court. All  
 30 subsequent offenses shall be separate and distinct offenses, and punishable in like manner."

### 31 SECTION 4.

32 All laws and parts of laws in conflict with this Act are repealed.