

House Bill 1088

By: Representatives Mathiak of the 82nd, Reeves of the 99th, Jones of the 143rd, Greene of the 154th, Evans of the 57th, and others

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 replace the term "chiropractor" with "chiropractic physician"; to
3 provide for certain persons licensed to practice chiropractic who visit this state for a specific
4 sports or performing arts event; to allow licensed chiropractic physicians to use the term
5 "chiropractor"; to protect the terms "chiropractor" and "chiropractic physician"; to amend
6 Title 14 of the Official Code of Georgia Annotated, relating to corporations, partnerships,
7 and associations, so as to provide for professional corporations jointly owned by chiropractic
8 physicians and physicians; to amend Title 45 of the Official Code of Georgia Annotated,
9 relating to public officers and employees, so as to provide for conforming changes in
10 terminology; to amend various titles of the Official Code of Georgia Annotated, so as to
11 provide for conforming changes in terminology; to provide for related matters; to provide for
12 an effective date; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **PART I**
15 **SECTION 1-1.**

16 Chapter 9 of Title 43 of the Official Code of Georgia Annotated, relating to chiropractors,
17 is amended by revising Code Section 43-9-7.2, relating to persons excepted from application
18 of chapter, as follows:

19 "43-9-7.2.

20 Nothing in this chapter shall be construed as preventing or prohibiting the practice,
21 services, or activities of:

22 (1) Any person pursuing a course of study leading to a doctor of chiropractic degree,
23 postgraduate training, or training as a chiropractic assistant, which is approved by the
24 board as provided for in this chapter, if such person is designated by a title indicating
25 student status, is fulfilling clinical training requirements for the attainment of a degree or
26 certificate, and is under the supervision of a ~~chiropractor~~ chiropractic physician licensed
27 under this chapter and approved by the board;

28 (2) Any person licensed to practice chiropractic in this or another state who is employed
29 as a professor or instructor by a chiropractic school or college located in this state or who
30 is enrolled in or teaching a course of study designed to develop chiropractic clinical skills
31 when chiropractic activities are required as part of an educational program sponsored by
32 a chiropractic school or college, as provided for in Code Section 43-9-7, or other
33 educational program as may be approved by the board. Such practice shall be conducted
34 under the supervision of a licensed ~~chiropractor~~ chiropractic physician approved by the
35 board. No such person shall be authorized to provide chiropractic services outside of the
36 scope of the educational program and setting, nor shall such a person perform, or
37 supervise the performance of, any chiropractic service provided on a fee-for-service basis
38 without having first obtained a license in accordance with this chapter. The board shall
39 have the authority to promulgate rules relative to such practice;

40 (3) ~~A chiropractor~~ Any person licensed to practice chiropractic in good standing in any
 41 other state, territory, or other jurisdiction of the United States or of any other nation or
 42 foreign jurisdiction if that person is employed or designated in their professional capacity
 43 by a sports or performing arts entity visiting the state for a specific sports or performing
 44 arts event subject to the following restrictions:

45 (A) ~~A chiropractor's~~ Such person's practice under this paragraph is limited to the
 46 members, coaches, and staff of the team or event for which that ~~chiropractor~~ person is
 47 employed or designated, and such practice shall only occur at the designated venue of
 48 the event; and

49 (B) Any ~~chiropractor~~ person practicing under the authority of this paragraph may
 50 utilize only those practices and procedures authorized by this chapter and approved by
 51 board rule; and

52 (4) Nothing in this chapter shall prohibit any person from assisting a duly licensed
 53 ~~chiropractor~~ chiropractic physician in the practices and procedures so authorized by this
 54 chapter, excluding the adjustment of the articulations of the human body, provided such
 55 person is under the direct order and supervision of a duly licensed doctor of chiropractic
 56 who is physically present in the facility or office."

57 **SECTION 1-2.**

58 Said chapter is further amended by revising Code Section 43-9-16, relating to scope of
 59 practice, as follows:

60 "43-9-16.

61 (a) ~~Chiropractors~~ Chiropractic physicians who have complied with this chapter shall have
 62 the right to practice chiropractic as defined in paragraph (2) of Code Section 43-9-1 and
 63 to evaluate, diagnose, and adjust patients according to specific chiropractic methods in
 64 order to correct spinal subluxations or to adjust the articulations of the human body.
 65 ~~Chiropractors~~ Chiropractic physicians shall observe all applicable public health regulations.

66 (b) The chiropractic adjustment of the spine or articulations of the human body may
67 include manual adjustments and adjustments by means of electrical and mechanical devices
68 which produce traction or vibration. ~~Chiropractors~~ Chiropractic physicians who have
69 complied with this chapter may also use modalities. Modalities include any physical agent
70 applied to produce therapeutic change to biologic tissues including thermal, acoustic,
71 noninvasive light, mechanical, or electric energy, hot or cold packs, ultrasound, galvanism,
72 microwave, diathermy, and electrical stimulation. ~~Chiropractors~~ Chiropractic physicians
73 who have complied with this chapter may utilize and recommend therapeutic procedures
74 effecting change through the application of clinical skills and services that attempt to
75 improve function, including therapeutic exercise, therapeutic activities, manual therapy
76 techniques, massage, and structural supports as they relate to the articulations of the human
77 body; provided, however, that the same shall not be construed to allow ~~chiropractors~~
78 chiropractic physicians to treat patients outside the scope of practice of chiropractic as set
79 forth in this chapter.

80 (c) ~~Chiropractors~~ Chiropractic physicians who have complied with this chapter may utilize
81 those modalities and procedures described in subsection (b) of this Code section, provided
82 the ~~chiropractor~~ chiropractic physician shall have completed a course of study containing
83 a minimum of 120 hours of instruction in the proper utilization of those procedures in
84 accordance with the guidelines set forth by the Council on Chiropractic Education or its
85 successor and is qualified and so certified in that proper utilization.

86 (d) ~~Chiropractors~~ Chiropractic physicians who have complied with this chapter shall have
87 the right to sign health certificates, reporting to the proper health officers the same as other
88 practitioners.

89 (e) ~~Chiropractors~~ Chiropractic physicians shall not prescribe or administer medicine to
90 patients, perform surgery, or practice obstetrics or osteopathy.

91 (f) ~~Chiropractors~~ Chiropractic physicians shall not use venipuncture, capillary puncture,
92 acupuncture, or any other technique which is invasive of the human body either by

93 penetrating the skin or through any of the orifices of the body or through the use of
94 colonics. Nothing in this subsection shall be construed to prohibit a ~~chiropractor~~
95 chiropractic physician who is licensed to perform acupuncture under Article 3 of Chapter
96 34 of this title from engaging in the practice of acupuncture.

97 (g) A person professing to practice chiropractic for compensation must bring to the
98 exercise of that person's profession a reasonable degree of care and skill. Any injury
99 resulting from a want of such care and skill shall be a tort for which a recovery may be had.
100 If a ~~chiropractor~~ chiropractic physician performs upon a patient any act authorized to be
101 so performed under this chapter but which act also constitutes a standard procedure of the
102 practice of medicine, including but not limited to the use of modalities such as those
103 described in subsection (b) of this Code section and X-rays, under similar circumstances
104 the ~~chiropractor~~ chiropractic physician shall be held to the same standard of care as would
105 licensed doctors of medicine who are qualified to and who actually perform those acts
106 under similar conditions and like circumstances.

107 (h) A licensed practitioner of chiropractic may use only the title 'chiropractor,' 'chiropractic
108 physician,' or 'doctor of chiropractic,' or 'D.C.'

109 (i) ~~Chiropractors~~ Chiropractic physicians who have complied with this chapter may
110 recommend the use of nutritional and dietary supplements. Any such recommendation of
111 nutritional and dietary supplements shall not be construed to allow ~~chiropractors~~
112 chiropractic physicians to treat patients outside the scope of the practice of chiropractic as
113 set forth in this chapter nor shall this subsection be construed to allow ~~chiropractors~~
114 chiropractic physicians to sell at a profit any such nutritional and dietary supplements
115 without providing their generic name. Nothing in this subsection shall preclude
116 compliance with Chapter 8 of Title 48, relating to the collection of sales and use taxes."

117 **SECTION 1-3.**

118 Said chapter is further amended by revising Code Section 43-9-19, relating to penalty, as
119 follows:

120 "43-9-19.

121 It shall be unlawful for any person to practice chiropractic unless that person shall have
122 first obtained a license as provided in this chapter and possesses all the qualifications
123 prescribed by the terms of this chapter. Any person who practices or attempts to practice
124 chiropractic without a license, ~~or~~ who buys or fraudulently obtains a license to practice
125 chiropractic, ~~or~~ who violates any of the terms of this chapter, ~~;~~ or who uses the title
126 'chiropractic physician,' 'doctor of chiropractic,' 'chiropractor,' 'chiropractic,' 'D.C.,' or any
127 word or title to induce the belief that such a person is engaged in the practice of
128 chiropractic, without first complying with this chapter, shall be guilty of a felony and, upon
129 conviction thereof, shall be punished by a fine of not less than \$500.00 nor more than
130 \$5,000.00, or by imprisonment for not less than two nor more than five years, or both, at
131 the discretion of the court. All subsequent offenses shall be separate and distinct offenses,
132 and punishable in like manner."

133 **SECTION 1-4.**

134 Said chapter is further amended by replacing "chiropractor" and "chiropractors" with
135 "chiropractic physician" and "chiropractic physicians", respectively, wherever the former
136 terms occur in:

- 137 (1) Code Section 43-9-1, relating to definitions;
138 (2) Code Section 43-9-2, relating to Georgia Board of Chiropractic Examiners, members,
139 qualifications, residence requirements, and terms;
140 (3) Code Section 43-9-6.1, relating to authority of board; and

141 (4) Code Section 43-9-12, relating to refusal, suspension, or revocation of licenses,
 142 subpoenas, other discipline, judicial review, reinstatement, voluntary surrender of license,
 143 injunctions, and statement of complaint.

144 **PART II**
 145 **SECTION 2-1.**

146 Title 14 of the Official Code of Georgia Annotated, relating to corporations, partnerships,
 147 and associations, is amended in Code Section 14-7-4, relating to professional services, by
 148 revising paragraph (4) of subsection (a) as follows:

149 "(4) To the extent not inconsistent with the ethics of the professions involved or
 150 otherwise prohibited by law, ~~chiropractors~~ chiropractic physicians who are practicing
 151 within their scope of practice as established by law may organize and jointly own a
 152 professional corporation with physicians who are practicing within their scope of practice
 153 as established by law; ~~provided, however, that nothing in this paragraph shall authorize~~
 154 ~~chiropractors to attach the title 'physician' to such chiropractors' names or to the name of~~
 155 ~~the professional corporation."~~

156 **SECTION 2-2.**

157 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
 158 is amended in Code Section 45-16-27, relating to when inquest to be held, special situations,
 159 coroner's fee, issuance of subpoenas, cost of copying, and limited disclosure of photographs,
 160 by revising subsection (c) as follows:

161 "(c) When a coroner or a medical examiner or a medical examiner from the office of chief
 162 medical examiner, as established in Code Section 35-3-153, conducts an investigation into
 163 the death of an individual, the coroner, medical examiner, or medical examiner from the
 164 office of chief medical examiner shall be authorized to issue subpoenas to compel the

165 production of any books, records, including but not limited to medical records from
 166 hospitals, medical clinics, psychiatric hospitals, physicians' offices, ~~chiropractors'~~
 167 chiropractic physicians' offices, and any other ~~health-care~~ healthcare delivery facility, or
 168 papers relevant to the cause of death including without limitation AIDS confidential
 169 information as defined by Code Section 31-22-9.1. Any books, records, or papers received
 170 by the coroner, medical examiner, or medical examiner from the office of chief medical
 171 examiner pursuant to the subpoena must be regarded as confidential information and
 172 privileged and not subject to disclosure under Article 4 of Chapter 18 of Title 50. The
 173 actual costs of copying any books, records, or papers for the purposes of responding to a
 174 subpoena under this subsection shall be paid out of county funds to the person or entity
 175 required to respond to that subpoena, and the governing authority of the county of which
 176 that coroner or county medical examiner is a public officer shall pay those costs within 30
 177 days after a bill therefor is submitted to the county. A medical examiner from the office
 178 of chief medical examiner shall pay the costs of copying from state funds within 30 days
 179 after a bill therefor is submitted to the state."

180 **SECTION 2-3.**

181 The Official Code of Georgia Annotated is amended by replacing "chiropractor",
 182 "chiropractors", "Chiropractor", and "Chiropractors" with "chiropractic physician",
 183 "chiropractic physicians", "Chiropractic physician", and "Chiropractic physicians",
 184 respectively, wherever the former terms occur in:

- 185 (1) Code Section 9-11-9.1, relating to affidavit to accompany charge of professional
 186 malpractice;
- 187 (2) Code Section 14-10-2, relating to definitions relative to professional associations;
- 188 (3) Code Section 31-7-131, relating to definitions for peer review groups relative to the
 189 regulation and construction of hospitals and other health care facilities;
- 190 (4) Code Section 31-12A-2, relating to definitions relative to smoke-free air;

- 191 (5) Code Section 33-20A-3, relating to definitions for patient protection relative to
192 managed health care plans;
- 193 (6) Code Section 33-20E-2, relating to applications to insurers and definitions relative to
194 the "Surprise Billing Consumer Protection Act";
- 195 (7) Code Section 33-24-27, relating to provision for reimbursement for services within the
196 lawful scope of practice of psychologists or chiropractors;
- 197 (8) Code Section 33-24-59.24, relating to restrictions on payment methods prohibited,
198 waiver of provisions prohibited, and enforcement;
- 199 (9) Code Section 33-24-59.27, relating to right to shop for insurance coverage, disclosure
200 of pricing information, and notice;
- 201 (10) Code Section 33-39-3, relating to definitions relative to the collection, use, and
202 disclosure of information gathered by insurance institutions;
- 203 (11) Code Section 33-46-4, relating to definitions relative to certification of private review
204 agents;
- 205 (12) Code Section 40-2-74.1, relating to temporary, permanent, and special permanent
206 parking permits for persons with disabilities;
- 207 (13) Code Section 43-1-28, relating to volunteers in health care specialties;
- 208 (14) Code Section 43-1-33, relating to advertisement, signage, and identifier requirements
209 for health care practitioners;
- 210 (15) Code Section 43-1-35, relating to expedited license by endorsement for spouses of
211 active or transitioning members of the armed forces and license by endorsement for certain
212 professions;
- 213 (16) Code Section 43-1B-3, relating to definitions for patient self-referral relative to
214 professions and businesses;
- 215 (17) Code Section 43-28-15, relating to exceptions to operation of article relevant to
216 occupational therapists;

- 217 (18) Code Section 44-14-470, relating to lien on causes of action accruing to injured
218 person for costs of care and treatment of injuries arising out of such causes of action;
- 219 (19) Code Section 48-13-9, relating to limitation on authority of local government to
220 impose regulatory fee, examples of individuals and entities which may and may not be
221 subject to fees, and methods for determining fees;
- 222 (20) Code Section 51-1-29.5, relating to definitions, limitation on health care liability
223 claim to gross negligence in emergency medical care, and factors for jury consideration;
- 224 (21) Code Section 51-2-5.1, relating to relationship between hospital and health care
225 provider prerequisite to liability, notice regarding independent contractor status, and factors
226 for consideration in determining status; and
- 227 (22) Code Section 51-16-1, relating to definitions for COVID-19 pandemic business
228 safety.

229

PART III

230

SECTION 3-1.

231 This Act shall become effective upon its approval by the Governor or upon its becoming law
232 without such approval.

233

SECTION 3-2.

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