

HOUSE BILL No. 1186

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-1-9; IC 25-10-1-14.

Synopsis: Physical therapists and spinal manipulation. Provides that a health practitioner may not perform spinal manipulation or spinal adjustment unless the practitioner has statutory authority to differentially diagnose and meets certain educational requirements. Excludes physicians and osteopaths from the requirements. Provides for disciplinary sanctions for violations.

Effective: July 1, 2011.

Davis

January 10, 2011, read first time and referred to Committee on Public Health.

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First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1186



A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-1-9-6.4 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2011]: **Sec. 6.4. (a) This section does not apply to a practitioner
4 licensed to practice medicine or osteopathic medicine under
5 IC 25-22.5.**

6 **(b) As used in this section, "spinal manipulation" or "spinal
7 adjustment" means a method of skillful and beneficial treatment
8 where a practitioner uses direct thrust to move a joint of the
9 patient's spine beyond its normal range of motion, but without
10 exceeding the limits of anatomical integrity.**

11 **(c) A practitioner may not perform spinal manipulation or
12 spinal adjustment unless the practitioner has:**

- 13 **(1) statutory authority to differentially diagnose; and**
- 14 **(2) received at least four hundred (400) hours of classroom
15 instruction in spinal manipulation or spinal adjustment and
16 at least eight hundred (800) hours of supervised clinical
17 training at a facility where spinal manipulation or spinal**



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adjustment is a primary method of treatment.
(d) In addition to the actions listed under section 4 of this chapter that subject a practitioner to disciplinary sanctions, a practitioner is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds that the practitioner has violated this section.

SECTION 2. IC 25-1-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) The board may impose any of the following sanctions, singly or in combination, if it finds that a practitioner is subject to disciplinary sanctions under section 4, 5, 6, 6.4, 6.7, or 6.9 of this chapter or IC 25-1-5-4:

- (1) Permanently revoke a practitioner's license.
- (2) Suspend a practitioner's license.
- (3) Censure a practitioner.
- (4) Issue a letter of reprimand.
- (5) Place a practitioner on probation status and require the practitioner to:
 - (A) report regularly to the board upon the matters that are the basis of probation;
 - (B) limit practice to those areas prescribed by the board;
 - (C) continue or renew professional education under a preceptor, or as otherwise directed or approved by the board, until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
 - (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.
- (6) Assess a fine against the practitioner in an amount not to exceed one thousand dollars (\$1,000) for each violation listed in section 4 of this chapter, except for a finding of incompetency due to a physical or mental disability. When imposing a fine, the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the fine within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a fine.
- (b) The board may withdraw or modify the probation under subsection (a)(5) if it finds, after a hearing, that the deficiency that required disciplinary action has been remedied, or that changed circumstances warrant a modification of the order.

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1 SECTION 3. IC 25-10-1-14 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. (a) This section
3 applies to all persons, including persons listed in IC 25-22.5-1-2.

4 (b) A person may manually manipulate, manually adjust, or
5 manually mobilize the spinal column or the vertebral column of an
6 individual only if the person is:

7 (1) a chiropractor who has been issued a license under this
8 chapter;

9 (2) a physician who has been issued an unlimited license to
10 practice medicine under IC 25-22.5; or

11 (3) an osteopathic physician who has been issued a license to
12 practice osteopathic medicine under IC 25-22.5.

13 (c) A person may not delegate the manual manipulation, manual
14 adjustment, or manual mobilization of the spinal column or the
15 vertebral column of an individual to another person, unless the other
16 person is:

17 (1) licensed as a chiropractor under this chapter;

18 (2) licensed as a physician with an unlimited license to practice
19 medicine under IC 25-22.5;

20 (3) licensed as an osteopathic physician with a license to practice
21 osteopathic medicine under IC 25-22.5;

22 (4) a student in the final year of course work at an accredited
23 chiropractic school participating in a preceptorship program and
24 working under the direct supervision of a chiropractor licensed
25 under this chapter; or

26 (5) a graduate of a chiropractic school who holds a valid
27 temporary permit issued under section 5.5 of this chapter.

28 (d) If a violation of subsection (b) or (c) is being committed:

29 (1) the board in its own name;

30 (2) the board in the name of the state; or

31 (3) the prosecuting attorney of the county in which the violation
32 occurs, at the request of the board and in the name of the state;

33 may apply for an order enjoining the violation from the circuit court of
34 the county in which the violation occurs.

35 (e) Upon a showing that a person has violated subsection (b) or (c),
36 the court may grant without bond an injunction, a restraining order, or
37 other appropriate order.

38 (f) **Subject to IC 25-1-9-6.4**, this section does not apply to a
39 physical therapist practicing under IC 25-27. However, a physical
40 therapist may not practice chiropractic (as defined in IC 25-10-1-1) or
41 medicine (as defined in IC 25-22.5-1-1.1) unless licensed to do so.

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