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IN ASSEMBLY

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Introduced by M. of A. CLARK, LUPARDO, SIMPSON -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to modernizing the chiropractic scope of practice; and to repeal certain provisions of such law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 6551 of the education law, as added by chapter 987 of the laws of 1971, paragraphs a and b of subdivision 2 as amended by chapter 450 of the laws of 1983, and subdivision 3 as amended by chapter 683 of the laws of 1991, is amended to read as follows:

§ 6551. Definition of practice of chiropractic. 1. The practice of the profession of chiropractic is defined as [~~detecting and correcting by manual or mechanical means structural imbalance, distortion, or subluxations in the human body for the purpose of removing nerve interference and the effects thereof, where such interference is the result of or related to distortion, misalignment or subluxation of or in the vertebral column. 2.~~] **the examination, evaluation, diagnosis, detection and/or correction by manual, mechanical or other means, subluxations in the vertebral column and other articulations and the effects thereof; and/or the ability to treat soft tissue or neuromusculoskeletal dysfunction for the restoration and maintenance of health.**

2. a. The practice of chiropractic includes physical and functional examination of patients, health assessments, analysis, or to give consultation, advice, recommendations and counseling regarding anatomy,

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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physiology, neurology, wellness and health optimization by any means of communication, the use of x-ray and diagnostic imaging studies using ionizing and non-ionizing imaging methods, adjustment, mobilization, manipulation, traction, and decompression, and other procedures consisting of but not limited to, heat, cold, light, air, water, sound, electricity, massage, manual therapies, therapeutic exercise with or without assistive devices. Chiropractors may use diagnostic clinical laboratory methods directly related to the diagnosis and monitoring of neuromusculoskeletal conditions, including those assessing nutritional or metabolic factors that impact musculoskeletal health, as approved by the department.

b. Chiropractic examination, diagnostic and treatment methods may also include electrodiagnostic testing and manipulation under anesthesia when appropriate education standards have been met and as approved by the department as being appropriate to the practice of chiropractic.

c. The practice of the profession of chiropractic allows a licensed chiropractor who has successfully completed a registered doctoral, post-doctoral or continuing education certification program of a higher education credential by an accrediting agency, which contains courses of study in wellness care methods, nutrition, and dietary advice satisfactory to the department; use of wellness care methods and the ability to engage in nutritional counseling and dietary advice, including the dispensing of food concentrates, food extracts, nutraceuticals, vitamins, minerals, and other nutritional supplements approved by the department as being appropriate to, and as a part of, the practice of chiropractic, as the above relates to the definition of the practice of chiropractic in subdivision one of this section.

3. a. A license to practice as a chiropractor shall permit a chiropractic practitioner in their professional discretion the ability to take, order and use x-ray and diagnostic imaging studies but shall not permit the holder thereof to use [~~radio-therapy, fluoroscopy, or any form of ionizing radiation except X-ray which shall be used for the detection of structural imbalance, distortion, or subluxations in the human body~~] ionizing radiation sources for the purposes of radiotherapy.

b. The requirements and limitations with respect to the use of [~~X-ray~~] diagnostic imaging studies by chiropractors shall be enforced by the state commissioner of health and [~~he~~] the commissioner is authorized to promulgate rules and regulations after conferring with the [~~board~~] department to carry out the purposes of this subdivision.

c. Chiropractors shall retain for a period of three years all [~~X-ray films~~] diagnostic images taken in the course of their practice, together with the records pertaining thereto, and shall make such [~~films~~] images and records available to the state commissioner of health or [~~his~~] their representative on demand.

[~~3.~~] 4. Chiropractors may use diagnostic clinical laboratory methods involving chemical or biological means which particular tests and services shall be approved by the department as appropriate to the practice of chiropractic as defined in this section.

5. A license to practice chiropractic shall not permit the holder thereof to treat for any infectious diseases such as pneumonia, any communicable diseases listed in the sanitary code of the state of New York, any of the cardio-vascular-renal or cardio-pulmonary diseases, any surgical condition [~~of the abdomen such as acute appendicitis, or diabetes~~], or any benign or malignant neoplasms; to operate; to reduce fractures [~~or dislocations~~]; to prescribe, administer, dispense or use in [~~his~~] their practice drugs or medicines[~~; or to use diagnostic or~~

~~therapeutic methods involving chemical or biological means except diagnostic services performed by clinical laboratories which services shall be approved by the board as appropriate to the practice of chiropractic; or to utilize electrical devices except those devices approved by the board as being appropriate to the practice of chiropractic. Nothing herein shall be construed to prohibit a licensed chiropractor who has successfully completed a registered doctoral program in chiropractic, which contains courses of study in nutrition satisfactory to the department, from using nutritional counseling, including the dispensing of food concentrates, food extracts, vitamins, minerals, and other nutritional supplements approved by the board as being appropriate to, and as a part of, his or her practice of chiropractic. Nothing herein shall be construed to prohibit an individual who is not subject to regulation in this state as a licensed chiropractor from engaging in nutritional counseling.~~] **or controlled substances or to administer or use anesthetics. Chiropractors may use over the counter topical analgesic substances and anesthetic balms, salves or emollients or advise on over the counter substances.**

§ 2. Section 6552 of the education law, as added by chapter 987 of the laws of 1971, is amended to read as follows:

§ 6552. Practice of chiropractic and use of title "chiropractor" **or "doctor of chiropractic"**. Only a person licensed [~~or exempt~~] **or otherwise authorized** under this article [~~shall~~] **to** practice chiropractic [~~or~~] **may** use the title "chiropractor" **or "doctor of chiropractic"**.

§ 3. Section 6553 of the education law, as added by chapter 987 of the laws of 1971, is amended to read as follows:

§ 6553. State board for chiropractic. A state board for chiropractic shall be appointed by the board of regents on recommendation of the commissioner for the purpose of assisting the board of regents and the department on matters of professional licensing and professional conduct in accordance with section sixty-five hundred eight of this title. The board shall be composed of not less than [~~seven~~] **eight** members, including [~~at least four licensed~~] **seven** chiropractors[~~, one licensed physician who is a doctor of medicine, one licensed physician who is a doctor of osteopathy, and one educator who holds a doctorate or equivalent degree in either anatomy, physiology, pathology, chemistry or microbiology~~] **licensed in this state and one public member**. An executive secretary to the board shall be appointed by the board of regents on recommendation of the commissioner.

§ 4. Section 6554 of the education law, as added by chapter 987 of the laws of 1971, subdivision 3 as amended by chapter 994 of the laws of 1971, subdivision 6 as amended by chapter 669 of the laws of 2022, and subdivision 8 as amended by chapter 62 of the laws of 1989, is amended to read as follows:

§ 6554. Requirements for a professional license. To qualify for a license as a chiropractor, an applicant shall fulfill the following requirements:

(1) Application: file an application with the department;

(2) Education: have received an education, including [~~two~~] **three** years **or ninety semester hours of credit or equivalent trimester or quarter hours of credit** of preprofessional college study and completion of a [~~four-year resident program in chiropractic,~~] **program of chiropractic education of not less than four academic years, or the equivalent thereof** in accordance with the commissioner's regulations;

(3) Experience: have experience satisfactory to the board and in accordance with the commissioner's regulations[~~:~~]**;**

(4) Examination: pass examinations satisfactory to the board and in accordance with the commissioner's regulations[~~, in clinical chiropractic analysis, the practice of chiropractic, X-ray as it relates to chiropractic analysis, and examinations satisfactory to the department in anatomy, physiology, pathology, chemistry, microbiology, diagnosis, and the use and effect of X-ray~~] for the practice of chiropractic;

(5) Age: be at least twenty-one years of age;

(6) Citizenship or immigration status: be a United States citizen or a noncitizen lawfully admitted for permanent residence in the United States;

(7) Character: be of good moral character as determined by the department; and

(8) Fees: pay a fee of one hundred seventy-five dollars to the department for [~~admission to a department conducted examination and for~~] an initial license, [~~a fee of eighty-five dollars for each reexamination, a fee of one hundred fifteen dollars for an initial license for persons not requiring admission to a department conducted examination,~~] and a fee of one hundred fifty-five dollars for each triennial registration period.

§ 5. Section 6555 of the education law, as amended by chapter 537 of the laws of 1983, is amended to read as follows:

§ 6555. Exempt persons. [~~Nothing in this article shall be construed to affect or prevent a student enrolled in a college of chiropractic in this state from engaging in all phases of clinical practice under supervision of a licensed chiropractor or physician in a curriculum registered by the department.~~] The following persons under the following limitations may practice chiropractic within the state without a license:

1. A student enrolled in any accredited college of chiropractic engaging in all phases of clinical practice under supervision of a licensed chiropractor or physician in a curriculum registered by the department; or

2. A student who is performing a clinical externship or preceptorship in a chiropractic office or clinic setting and who is enrolled in a chiropractic school which meets the standards satisfactory to the department, provided such practice is under the direct supervision of a licensed chiropractor for a maximum period of twelve months; or

3. Any chiropractor who is licensed in another state or country and who is meeting or communicating with a chiropractor licensed in this state, for purposes of consultation, provided such practice is limited to such consultation; or

4. Any chiropractor who is licensed in another state or country, who is visiting a chiropractic school or teaching facility in this state to receive chiropractic instruction for a period not to exceed six months or to conduct chiropractic instruction, provided such practice is limited to such instruction and is under the general supervision of a licensed chiropractor; or

5. Any chiropractor who is authorized by a foreign government to practice in relation to its diplomatic, consular or maritime staffs, provided such practice is limited to such staffs; or

6. Any commissioned chiropractic officer who is serving in the United States armed forces or public health service or any chiropractor who is employed in the United States Veterans Administration, provided such practice is limited to such service or employment; or

7. (a) Any chiropractor who is licensed and in good standing in another state or territory, and who has a written agreement to provide

chiropractic services to athletes and team personnel of a United States sports team recognized by the United States Olympic committee or an out-of-state secondary school, institution of postsecondary education, or professional athletic organization sports team, may provide chiropractic services to such athletes and team personnel at a discrete sanctioned team sporting event in this state as defined by the commissioner in regulations, provided such services are provided only to such athletes and team personnel at the discrete sanctioned team sporting event. Any such chiropractic services shall be provided only five days before through three days after each discrete sanctioned team sporting event.

(b) Any person practicing as a chiropractor in New York state pursuant to this subdivision shall be subject to the personal and subject matter jurisdiction and disciplinary and regulatory authority of the board of regents as if such chiropractor is a licensee and as if the exemption pursuant to this subdivision is a license. Such individual shall comply with applicable provisions of this title, the public health law, the rules of the board of regents, and the regulations of the commissioner and the commissioner of health, relating to professional misconduct, disciplinary proceedings and penalties for professional misconduct.

§ 6. Section 6556 of the education law is REPEALED and a new section 6556 is added to read as follows:

§ 6556. Limited permits. Permits limited as to eligibility, practice and duration, shall be issued by the department to eligible applicants, as follows:

1. Eligibility: The following persons shall be eligible for a limited permit:

a. A person who fulfills all requirements for a license as a chiropractor except those relating to the examination;

b. A licensed foreign chiropractor who meets guidelines developed in accordance with the commissioner's regulations;

c. A licensed foreign chiropractor or a foreign intern who is in this country on a non-immigration visa for the continuation of chiropractic study who meets guidelines developed in accordance with the commissioner's regulations and has received two years of training at a United States accredited chiropractic school;

d. Any graduate of a chiropractic school which meets standards satisfactory to the department, provided such practice is under the general supervision of a licensed chiropractor for a maximum period of twelve months from date of graduation.

2. Limit of practice. A permittee shall be authorized to practice chiropractic only under the supervision of a licensed chiropractor and only in a licensed chiropractic office or clinical setting.

3. Duration. A limited permit shall be valid for one year. A limited permit may be renewed annually at the discretion of the department.

4. Fees. The fee for each limited permit and for each renewal shall be one hundred five dollars.

§ 7. The education law is amended by adding a new section 6557 to read as follows:

§ 6557. Special provisions. Notwithstanding any inconsistent provision of any general, special or local law, any licensed chiropractor who voluntarily and without the expectation of monetary compensation renders first aid or emergency treatment at the scene of an accident or other emergency, outside a hospital, doctor's office or any other place having proper and necessary chiropractic equipment, to a person who is unconscious, ill or injured, shall not be liable for damages for inju-

ries alleged to have been sustained by such person or for damages for the death of such person alleged to have occurred by reason of an act or omission in the rendering of such first aid or emergency treatment unless it is established that such injuries were or such death was caused by gross negligence on the part of such chiropractor. Nothing in this section shall be deemed or construed to relieve a licensed chiropractor from liability for damages for injuries or death caused by an act or omission on the part of a chiropractor while rendering professional services in the normal and ordinary course of their practice.

§ 8. This act shall take effect eighteen months after it shall have become a law.