

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

## A Bill

DRAFT JSE/JSE  
HOUSE BILL

5 By: Representative <NA>  
6

### For An Act To Be Entitled

8 AN ACT TO ENSURE THE SAFETY OF PATIENTS OF  
9 CHIROPRACTORS BY REQUIRING CRIMINAL BACKGROUND CHECKS  
10 AT LEAST ONCE EVERY FIVE (5) YEARS; TO PROVIDE A  
11 SPECIFIC PROCEDURE FOR CHIROPRACTORS WHO HAVE BEEN  
12 CONVICTED OF A SEX CRIME IF THE ARKANSAS STATE BOARD  
13 OF CHIROPRACTIC EXAMINERS DOES NOT REVOKE THE  
14 LICENSE; AND FOR OTHER PURPOSES.  
15

### Subtitle

16  
17  
18 TO ENSURE THE SAFETY OF PATIENTS OF  
19 CHIROPRACTORS BY REQUIRING CRIMINAL  
20 BACKGROUND CHECKS AND ADDITIONAL  
21 SAFEGUARDS IF THE CHIROPRACTOR HAS BEEN  
22 CONVICTED OF A SEX CRIME.  
23

24  
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
26

27 SECTION 1. Arkansas Code § 17-81-311(c), regarding renewal fees for  
28 chiropractor licenses, is amended to read as follows:

29 (c)(1) A renewal fee will be considered "paid" pursuant to this  
30 section if it is received in the board office or postmarked on or before the  
31 date the fee is due.

32 (2) If a license expires and is forfeited because the renewal  
33 fee is not paid on time, the license may be reinstated upon payment of the  
34 delinquent fee due, payment of a penalty of two hundred dollars (\$200), and  
35 complying with the continuing education and federal and state criminal  
36 background check requirements of § 17-81-312.

DRAFT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

SECTION 2. Arkansas Code § 17-81-312 is amended to read as follows:

17-81-312. Renewal - Education requirement - Criminal background check.

(a)(1) The Arkansas State Board of Chiropractic Examiners shall not renew the license of any a person actively engaged in practice within the State of Arkansas unless the person presents to the board evidence of attendance during the preceding twelve (12) months at:

~~(1)(A)~~ An approved educational session or sessions of not less than twenty-four (24) hours' duration conducted by an approved chiropractic institution of learning or by some association approved by the board for the teaching of chiropractic philosophy and scientific courses pertaining to the profession; or

~~(2)(B)~~ An educational course conducted by the board.

~~(b)(1)(2)(A)~~ The board may waive the requirement upon being presented a certificate from the doctor in charge that the license holder was physically unable on account of sickness or injury, or upon a showing that the license holder was in military service, when the course was conducted within this state during the preceding twelve (12) months.

~~(2)(B)~~ The board may waive the requirement for any other valid reason.

~~(3)(C)~~ Any person who is initially licensed in January shall be required to complete twenty-four (24) hours of continuing education by December 31 of that year, and each year thereafter comply with ~~subdivision (a)(1) of this section~~ this subsection (a).

~~(4)(D)~~ Any person who is initially licensed in July shall submit a certificate of attendance of a minimum of twelve (12) hours of continuing education program approval by the board. Each year thereafter the doctor shall submit a certificate of attendance of completion of twenty-four (24) hours of continuing education seminars by December 31 of each year.

~~(e)(3)~~ The presentation of a fraudulent or forged evidence of attendance at an educational session shall be a cause for suspension or revocation of the holder's license.

(b)(1) The board shall require a federal and state criminal background check for the renewal of each license at least one (1) time every five (5) years.

1           (2) The board shall begin to require the federal and state  
2 background check in 2014 and shall implement the background checks with at  
3 least twenty percent (20%) of the licensees for that year and each following  
4 year so that each licensee has a background check at least one (1) time every  
5 five (5) years.

6           (3) The cost of the federal and state criminal background check  
7 shall be added to the fees for license renewal and paid at the same time as  
8 the fees for license renewal.

9           (4) The board shall not renew the license of a chiropractor who  
10 refuses to submit to a federal and state criminal background check as  
11 required under this subsection (b).

12           (5) The board shall act on the results of the federal and state  
13 criminal background check as provided under § 17-81-313.

14  
15           SECTION 3. Arkansas Code § 17-81-313 is amended to read as follows:  
16           17-81-313. Disciplinary proceedings – Revocation or suspension.

17           (a) The Except as provided under subsection (b) of this section, the  
18 Arkansas State Board of Chiropractic Examiners shall have sole authority over  
19 licensed chiropractors to levy a civil penalty of not more than five thousand  
20 dollars (\$5,000) nor less than one thousand dollars (\$1,000) for each  
21 violation, to deny, place under probation, suspend, or revoke any license to  
22 practice chiropractic issued by the board or applied for in accordance with  
23 the provisions of this chapter, or otherwise to discipline a licensee upon  
24 proof that the person:

25                   (1) Is guilty of fraud or deceit in procuring or attempting to  
26 procure a license to practice chiropractic;

27                   (2) Is guilty of crime or gross immorality;

28                   (3) Is unfit or incompetent by reason of negligence, habits, or  
29 other causes;

30                   (4) Is habitually intemperate or is addicted to the use of  
31 habit-forming drugs;

32                   (5) Is mentally incompetent;

33                   (6) Is guilty of unprofessional conduct;

34                   (7) Is guilty of fraud or deceit in filing insurance forms,  
35 documents, or information pertaining to the health or welfare of a patient;

36 or

1           (8) Has willfully or repeatedly violated any of the provisions  
2 of this chapter.

3           (b)(1) If a licensed chiropractor pleads guilty or nolo contendere to  
4 or is found guilty of rape, attempted rape, sexual assault, or similar sex  
5 crime, the board shall either:

6                     (A) Revoke the license of the chiropractor; or

7                     (B) Provide limitations on the chiropractor's practice as  
8 provided under subdivision (b)(2) of this section.

9           (2) If the board does not revoke the license of a chiropractor  
10 who has pleaded guilty or nolo contendere to or has been found guilty of  
11 rape, attempted rape, sexual assault, or similar sex crime, the board shall:

12                     (A) Require the chiropractor to have a person who is not a  
13 relative of the chiropractor present during all examinations and treatments  
14 of patients;

15                     (B) Display signage in an area of the office designed and  
16 used for patient waiting, with the following in bold print with at least  
17 twelve-point font: "WARNING: [Name of Chiropractor] has been convicted of a  
18 sexual offense. This chiropractor is required by the licensing board to have  
19 a person who is not a relative of the chiropractor present during all  
20 examinations and treatments of patients. For more information, please  
21 contact the Arkansas State Board of Chiropractic Examiners at [telephone  
22 number]"; and

23                     (C) Conduct at least quarterly unannounced visits to the  
24 chiropractor's office to ensure compliance with this subsection.

25           (3) The cost associated with subdivision (b)(2) shall be  
26 assessed against the chiropractor as additional license fees to be paid as  
27 determined by the board.

28           ~~(b)(c)~~ Proceedings under this section shall comply with the Arkansas  
29 Administrative Procedure Act, § 25-15-201 et seq.

30  
31           SECTION 4. Arkansas Code § 17-81-317(a), concerning reactivation of  
32 lapsed license, is amended to read as follows:

33           (a) Any licensee who allows his or her license to lapse by failing  
34 to renew the license as provided under § 17-81-311 may apply to the Arkansas  
35 State Board of Chiropractic Examiners for a reinstatement of his or her  
36 license and must submit to the board a reinstatement fee of twenty-five

1 dollars (\$25.00) together with all back fees, plus proof of compliance with  
2 the continuing education and federal and state background check requirements  
3 of § 17-81-312.

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

