



Reprinted
February 23, 2018

ENGROSSED HOUSE BILL No. 1384

DIGEST OF HB 1384 (Updated February 22, 2018 3:02 pm - DI 132)

Citations Affected: IC 25-10.

Synopsis: Chiropractors. Amends the definition of "chiropractic". Removes certain acts that a chiropractor is prohibited from practicing. Provides that the board may adopt rules establishing health and sanitation standards for dry needling. Provides that accreditation of a chiropractic college for licensure purposes may be by a successor organization of the Accreditation Commission of the Council on Chiropractic Education. Requires that an applicant for a license to practice chiropractic must complete at least 90 semester hours of education after June 30, 2021. Prohibits an individual from using the title "chiropractor" unless the individual is a licensed chiropractor. Allows a chiropractor to perform certain acts and functions to diagnose and treat injuries, conditions, and disorders.

Effective: July 1, 2018.

Beumer, VanNatter, Shackelford

(SENATE SPONSORS — MESSMER, RANDOLPH LONNIE M, ALTING,
BASSLER, BECKER, DORIOT, KOCH, PERFECT, TOMES)

January 16, 2018, read first time and referred to Committee on Employment, Labor and Pensions.

January 23, 2018, amended, reported — Do Pass.

January 25, 2018, read second time, amended, ordered engrossed.

January 26, 2018, engrossed.

January 29, 2018, read third time, passed. Yeas 85, nays 10.

SENATE ACTION

February 1, 2018, read first time and referred to Committee on Commerce and Technology.

February 19, 2018, amended, reported favorably — Do Pass.

February 22, 2018, read second time, amended, ordered engrossed.

EH 1384—LS 6787/DI 77



Reprinted
February 23, 2018

Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1384

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 25-10-1-1, AS AMENDED BY P.L.1-2006,
2 SECTION 427, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2018]: Sec. 1. As used in this article:
4 (1) "Chiropractic" means the **examination, diagnosis, and**
5 **analysis evaluation, and treatment of human ailments and**
6 **conditions** of any interference with normal nerve transmission
7 and expression, the procedure preparatory to and complementary
8 to the correction thereof by an adjustment **or manipulation** of the
9 articulations of the vertebral column, its immediate articulation,
10 **and includes including** other incidental means of adjustments of
11 the spinal column, ~~and the practice of drugless therapeutics.~~
12 ~~However, chiropractic does not include any of the following:~~
13 ~~extremities, and musculoskeletal soft tissues of the body~~
14 ~~without the use of prescription drugs or surgery.~~
15 (A) Prescription or administration of legend drugs or other
16 controlled substances:
17 (B) Performing of incisive surgery or internal or external

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- 1 cauterization:
- 2 (C) Penetration of the skin with a needle or other instrument for
- 3 any purpose except for the purpose of blood analysis.
- 4 (D) Use of colonic irrigations; plasmatics; ionizing radiation
- 5 therapy; or radionics.
- 6 (E) Conducting invasive diagnostic tests or analysis of body fluids
- 7 except for urinalysis.
- 8 (F) The taking of x-rays of any organ other than the vertebral
- 9 column and extremities.
- 10 (G) The treatment or attempt to treat infectious diseases;
- 11 endocrine disorders; or atypical or abnormal histology.
- 12 (2) "Chiropractor" means any person who is qualified under this
- 13 chapter to practice the science of chiropractic.
- 14 (3) "Board" means the board of chiropractic examiners under
- 15 section 1.5 of this chapter.
- 16 (4) "Agency" refers to the Indiana professional licensing agency
- 17 under IC 25-1-5.
- 18 SECTION 2. IC 25-10-1-1.5, AS AMENDED BY P.L.1-2006,
- 19 SECTION 428, IS AMENDED TO READ AS FOLLOWS
- 20 [EFFECTIVE JULY 1, 2018]: Sec. 1.5. (a) There is created a board of
- 21 chiropractic examiners. The board shall consist of seven (7) members
- 22 appointed by the governor, not more than four (4) of whom may be
- 23 affiliated with the same political party. Six (6) of the board members
- 24 must be licensed under this chapter and must have had at least five (5)
- 25 years of experience as a chiropractor prior to their appointment. One
- 26 (1) member is to represent the general public and must be:
- 27 (1) a resident of this state; and
- 28 (2) in no way associated with the profession of chiropractic other
- 29 than as a consumer.
- 30 (b) All members shall be appointed for a term of three (3) years and
- 31 serve until their successors are appointed and qualified. A vacancy
- 32 occurring on the board shall be filled by the governor by appointment.
- 33 Each appointed member shall serve for the unexpired term of the
- 34 vacating member.
- 35 (c) The members of the board are entitled to the minimum salary per
- 36 diem provided by IC 4-10-11-2.1(b). Members are also entitled to
- 37 reimbursement for traveling expenses as provided under IC 4-13-1-4
- 38 and other expenses actually incurred in connection with the member's
- 39 duties as provided in the state policies and procedures established by
- 40 the Indiana department of administration and approved by the budget
- 41 agency.
- 42 (d) The members of the board shall organize by the election of a



1 chairman and a vice chairman from among its membership. The
 2 officers serve for a term of one (1) year. The board shall meet at least
 3 once each year and on other occasions as it considers necessary and
 4 advisable. A meeting of the board may be called by its chairman or by
 5 a majority of the members on the board. Four (4) members of the board
 6 constitute a quorum for the transaction of business. All decisions are
 7 required to be made by a majority vote of the quorum.

8 (e) The agency shall provide a secretary of the board and other
 9 personnel necessary for the proper performance of the board's duties
 10 and responsibilities under this chapter. The board, through the agency,
 11 shall receive and account for all money collected under this chapter and
 12 pay the money to the treasurer of state to be deposited by the treasurer
 13 in the general fund of the state.

14 (f) The board may do the following:

15 (1) Establish reasonable application, examination, and renewal
 16 procedures for certification under this chapter.

17 (2) Use an examination under this chapter that is designed by the
 18 board, designed by another person, or designed in part by the
 19 board and in part by another person.

20 (3) Conduct in the manner prescribed by the board examinations
 21 of applicants for certification under this chapter. The board may
 22 conduct any part of the examinations through a person other than
 23 the agency who is approved by the board. The agency may
 24 conduct any part of the examinations under IC 25-1-5-4.

25 (4) Issue, deny, suspend, revoke, and renew certificates.

26 (5) Subject to IC 25-1-7, investigate and conduct hearings, upon
 27 complaint against individuals certified or not certified under this
 28 chapter, concerning alleged violation of this chapter with hearings
 29 to be conducted in accordance with IC 4-21.5.

30 (6) Initiate the prosecution and enjoinder of a person violating this
 31 chapter.

32 (7) Adopt rules necessary for the proper performance of the
 33 board's duties, in accordance with IC 4-22-2.

34 (8) Maintain a current list of individuals certified under this
 35 chapter.

36 (9) Establish a code of professional conduct.

37 (10) Adopt rules under IC 4-22-2 to allow chiropractors licensed
 38 under this chapter to delegate the manual manipulation, manual
 39 adjustment, or manual mobilization of the spinal column or the
 40 vertebral column under section 14(c)(4) of this chapter.

41 (11) Adopt rules under IC 4-22-2 establishing standards for the
 42 registration and regulation of chiropractic management



1 consultants (as defined by the board under IC 25-10-2).

2 (12) Set fees for the annual registration of a chiropractic
3 management consultant under IC 25-10-2.

4 **(13) Adopt rules under IC 4-22-2 establishing health and**
5 **sanitation standards that conform to public health standards**
6 **for dry needling.**

7 (g) The board shall adopt rules establishing standards for the
8 competent practice of the science of the chiropractic in accordance
9 with IC 4-22-2.

10 (h) All expenses incurred in the administration of this chapter shall
11 be paid from the state general fund upon appropriation being made in
12 the manner provided by law for the making of appropriations.

13 SECTION 3. IC 25-10-1-2 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) A person who is
15 at least eighteen (18) years of age and who has not been convicted of
16 a crime that has a direct bearing on the person's ability to practice
17 competently is eligible to be licensed to practice chiropractic in Indiana
18 if the person is a graduate of an incorporated chiropractic school or
19 college incorporated for the purpose of teaching the science of
20 chiropractic. The school or college must:

21 **(1) meet the reasonable requirements of the board; and ~~must~~**

22 **(2) be accredited by the Accreditation Commission of the Council**
23 **on Chiropractic Education or its successor organization;**
24 during the applicant's attendance at the accredited school or college.
25 The board may not discriminate against a chiropractic school or college
26 that meets these requirements.

27 (b) In addition to the requirements in subsection (a), an applicant for
28 a license to practice chiropractic must have completed:

29 **(1) for applications made before July 1, 2021, at least ~~two (2)~~**
30 **years sixty (60) semester hours; or**

31 **(2) for applications made after June 30, 2021, at least ninety**
32 **(90) semester hours;**

33 of education in a college or university of learning accredited by an
34 accrediting agency that has been approved by the United States
35 Department of Education before the applicant's training and education
36 in a chiropractic school or college.

37 SECTION 4. IC 25-10-1-16 IS ADDED TO THE INDIANA CODE
38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
39 1, 2018]: **Sec. 16. An individual may not use the title**
40 **"chiropractor" to indicate or imply that the individual is a**
41 **chiropractor unless the individual is licensed under this chapter.**

42 SECTION 5. IC 25-10-1-17 IS ADDED TO THE INDIANA CODE



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
2 1, 2018]: **Sec. 17. Except for the treatment of infectious and**
3 **endocrine diseases or atypical or abnormal histology, a**
4 **chiropractor licensed under this article may diagnose and treat**
5 **injuries, conditions, and disorders, including chiropractic**
6 **subluxations, fixations, and spinal intersegmental dysfunction,**
7 **through the following:**

8 (1) The administration of chiropractic adjustment or
9 manipulation to the body for the purpose of maintaining,
10 restoring, or improving neurobiomechanical, immunological,
11 or physiological function.

12 (2) The administration or dispensing of supportive procedure
13 therapies, including physiological therapeutics, rehabilitation
14 procedures, and ancillary therapies.

15 (3) The use of solid filiform needles to treat
16 neuromusculoskeletal pain and dysfunction, which is
17 commonly referred to as dry needling, after completing board
18 approved continuing education and complying with applicable
19 board rules. However, a chiropractor may not engage in the
20 practice of acupuncture (as defined in IC 25-2.5-1-5), unless
21 the chiropractor is licensed under IC 25-2.5.

22 (4) Except for the use of ionizing radiation therapy or
23 radionics, the use of x-rays, diagnostic imaging test results, or
24 other diagnostic tests that may be required to prepare a
25 proper chiropractic diagnosis.

26 (5) The performance of an analysis to detect chiropractic
27 subluxations, fixations, or spinal intersegmental dysfunctions.

28 (6) The management, coordination, or delegation of patient
29 care functions, including initiating referrals to licensed
30 specialists for concurrent, or additional services or care the
31 chiropractor believes is most suited for the individual's
32 chiropractic condition.

33 (7) Counseling and instructing individuals regarding general
34 health matters, diet, weight management, ergonomics,
35 exercise, hygiene, nutrition, outcome assessments, wellness,
36 and good health habits.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1384, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, delete lines 3 through 42.

Page 6, delete lines 1 through 5, begin a new paragraph and insert:

"SECTION 5. IC 25-10-1-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 17. To the extent a therapy has been taught to a chiropractor in a chiropractic college or chiropractic program in a university that has been accredited by the Council of Chiropractic Education, its successor organization, or an approved postgraduate program, a chiropractor licensed under this article may treat injuries, conditions, and disorders, including chiropractic subluxations, fixations, spinal intersegmental dysfunction, or somatic dysfunctions, through the following:**

- (1) The administration of chiropractic adjustment or manipulation to the body for the purpose of maintaining, restoring, or improving neurobiomechanical or physiological function.
- (2) The administration or dispensing of supportive procedure therapies, including physiological therapeutics, rehabilitation procedures, and ancillary therapies.
- (3) The use of solid filiform needles to treat neuromusculoskeletal pain and dysfunction, which is commonly referred to as dry needling. However, a chiropractor may not engage in the practice of acupuncture (as defined in IC 25-2.5-1-5), unless the chiropractor is licensed under IC 25-2.5.
- (4) The performance of any other therapeutic procedure or service that is not beyond the chiropractor's education and training, including the ordering of advanced imaging and x-rays.
- (5) The evaluation and examination of individuals to determine the presence of, absence of, and diagnosis of physical or physiologic injuries, conditions, or disorders of the body.
- (6) The performance of an analysis to detect chiropractic subluxations, fixations, spinal intersegmental dysfunctions, or somatic dysfunctions.
- (7) The management, coordination, or delegation of patient



care functions, including initiating referrals to specialists for concurrent, additional, or alternative services or care the chiropractor believes is most suited for the individual's chiropractic condition.

(8) Counseling and instructing individuals regarding general health matters, including activities of daily living, diet, weight management, ergonomics, exercise, hygiene, nutrition, risk factor screening, wellness, and good health habits.

(9) Ordering, performing, and interpreting laboratory, radiological, electrodiagnostic, or any other diagnostic studies, including x-ray studies and advanced imaging of all parts of the human body."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1384 as introduced.)

VANNATTER

Committee Vote: yeas 11, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1384 be amended to read as follows:

Page 5, line 5, delete "therapy" and insert "**procedure**".

Page 5, delete lines 26 through 33, begin a new line block indented and insert:

"(4) The use of any x-ray or diagnostic test that a chiropractor may require to prepare a proper diagnosis."

Page 5, line 34, delete "(6)" and insert "**(5)**".

Page 5, line 37, delete "(7)" and insert "**(6)**".

Page 5, line 42, delete "(8)" and insert "**(7)**".

Page 6, line 1, delete "including activities of daily living,".

Page 6, line 3, after "screening," insert "**outcome assessments,**".

Page 6, delete lines 4 through 7, begin a new line block indented and insert:



"(8) Ordering and interpreting the reported results of advanced imaging."

(Reference is to HB 1384 as printed January 23, 2018.)

BEUMER

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Technology, to which was referred House Bill No. 1384, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 6, delete "conditions, without the use of prescription drugs or surgery," and insert "**conditions**".

Page 1, line 14, after "extremities, and" insert "**musculoskeletal**".

Page 1, line 14, delete "body." and insert "**body without the use of prescription drugs or surgery.**".

Page 2, line 34, delete "A member of the board may not serve for more".

Page 2, delete line 35.

Page 4, line 5, delete "Subject to IC 34-30-15, adopt rules concerning peer" and insert "**Adopt rules under IC 4-22-2 establishing health and sanitation standards that conform to public health standards for dry needling.**".

Page 4, delete line 6.

Page 4, line 39, delete "use:" and insert "**the title "chiropractor"**".

Page 4, delete lines 40 through 42.

Page 4, run in line 39 through page 5, line 1.

Page 5, line 5, delete "To the extent a procedure has been taught to a" and insert "**Except for the treatment of infectious and endocrine diseases or atypical or abnormal histology, a chiropractor licensed under this article may diagnose and treat injuries, conditions, and disorders, including chiropractic subluxations, fixations, and spinal intersegmental dysfunction, through the following:**".

Page 5, delete lines 6 through 12.

Page 5, line 15, delete "neurobiomechanical" and insert "**neurobiomechanical, immunological,**".

Page 5, line 22, delete "needling." and insert "**needling, after**".



completing board approved continuing education and complying with applicable board rules."

Page 5, line 26, delete "The use of any x-ray or diagnostic test that a chiropractor" and insert "**Except for the use of ionizing radiation therapy or radionics, the use of x-rays, diagnostic imaging test results, or other diagnostic tests that may be required to prepare a proper chiropractic diagnosis.**".

Page 5, delete line 27.

Page 5, line 29, after "fixations," insert "**or**".

Page 5, line 29, delete "dysfunctions, or" and insert "**dysfunctions.**".

Page 5, delete line 30.

Page 5, line 32, after "referrals to" insert "**licensed**".

Page 5, line 33, delete "additional, or alternative" and insert "**or additional**".

Page 5, line 38, delete "risk factor screening,".

Page 5, delete lines 40 through 41.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1384 as reprinted January 26, 2018.)

MESSMER, Chairperson

Committee Vote: Yeas 10, Nays 0.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1384 be amended to read as follows:

Page 4, line 39, after "may not" insert "**use**".

(Reference is to EHB 1384 as printed February 20, 2018.)

MESSMER

