

CHAPTER 283

AN ACT concerning chiropractic assistants, amending P.L.2009, c.322 and amending and supplementing P.L.1989, c.153.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 3 of P.L.1989, c.153 (C.45:9-41.19) is amended to read as follows:

C.45:9-41.19 Definitions.

3. As used in P.L.1989, c.153 (C.45:9-41.17 et al.), sections 5 through 8 of P.L.2015, c.283 (C.45:9-41.33 et seq.) and sections 7 through 14 and sections 19 and 20 of P.L.1953, c.233 (C.45:9-41.4 through C.45:9-41.13 inclusive):

a. "Board" means the State Board of Chiropractic Examiners created pursuant to section 4 of P.L.1989, c.153 (C.45:9-41.20).

b. "Doctor of Chiropractic," "Chiropractor" or "Chiropractic Physician" means a person trained and qualified in the discipline of chiropractic whose license is in force and not suspended or revoked at the time in question.

A person licensed to practice chiropractic may use the title doctor, or its abbreviation, in the practice of chiropractic, however, it must be qualified by the words doctor of chiropractic, chiropractor or chiropractic physician, or its abbreviation, D.C. The use of the title doctor of chiropractic, chiropractor, chiropractic physician, or its abbreviation, D.C., may be used interchangeably.

c. "Chiropractic assistance" means assisting a chiropractor with providing certain clinical procedures common and customary to the chiropractic setting including:

(1) collecting general health data, such as the taking of an oral history or vital sign measurement;

(2) applying thermal, sound, light, mechanical and electrical modalities and hydrotherapy; and

(3) instructing and monitoring prescribed rehabilitative activities.

Chiropractic assistance shall not include administrative activities of a non-clinical nature, chiropractic adjustment, manual therapy, nutritional instruction, counseling or other therapeutic service or procedure which requires individual licensure in the State.

d. "Licensed chiropractic assistant" means a person who is licensed pursuant to the provisions of sections 5 through 8 of P.L.2015, c.283 (C.45:9-41.33 et seq.) to practice chiropractic assistance under the supervision of a chiropractor.

e. "Supervision" means the oversight provided by a licensed chiropractor of the clinical services performed by a licensed chiropractic assistant, and for which the chiropractor shall be on the premises at all times and readily available to instruct the licensed chiropractic assistant throughout the performance of the clinical services.

2. Section 7 of P.L.1989, c.153 (C.45:9-41.23) is amended to read as follows:

C.45:9-41.23 Duties of the board.

7. The board shall:

a. Appoint and prescribe the duties of an executive secretary. The executive secretary shall serve at its pleasure;

b. Review the qualifications of applicants for licensure;

c. Insure the proper conduct and standards of examinations;

d. Issue and renew licenses for chiropractors pursuant to this act, R.S.45:9-14.5, R.S.45:9-14.6 and R.S.45:9-14.10, P.L.1953, c.233 (C.45:9-41.5 et al.), and chiropractic assistants pursuant to sections 5 through 8 of P.L.2015, c.283 (C.45:9-41.33 et seq.);

e. Refuse to admit a person to an examination, or refuse to issue a license, or suspend, revoke or fail to renew the license of a chiropractor or chiropractic assistant pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.);

f. Maintain a record of chiropractors and chiropractic assistants licensed in this State, their places of business, places of residence and the date and number of their licenses;

g. Prescribe or change the charges for examinations, licensures, renewals and other services it performs pursuant to P.L.1974, c.46 (C.45:1-3.1 et seq.) and sections 5 through 8 of P.L.2015, c.283 (C.45:9-41.33 et seq.);

h. Establish standards pursuant to which a chiropractor shall maintain medical malpractice liability insurance coverage, at appropriate amounts, as set forth in regulations;

i. Adopt and promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the purposes of this act, R.S.45:9-14.5, R.S.45:9-14.6 and R.S.45:9-14.10, and sections 5 through 8 of P.L.2015, c.283 (C.45:9-41.33 et seq.), and P.L.1953, c.233 (C.45:9-41.5 et al.).

3. Section 6 of P.L.2009, c.322 (C.45:9-41.29) is amended to read as follows:

C.45:9-41.29 Duties of board relative to continuing education.

6. a. The board:

(1) Shall establish standards for continuing chiropractic and chiropractic assistant education, including, but not limited to, the subject matter and content of courses of study that are taught by chiropractic schools, colleges, institutions and universities or tested on for licensure;

(2) May accredit educational programs offering credit towards the continuing chiropractic and chiropractic assistant education requirements;

(3) May accredit other educational programs, including, but not limited to educational programs offered by professional organizations or societies, health care professions, schools, colleges, institutions, universities or healthcare facilities;

(4) May allow satisfactory completion of continuing chiropractic and chiropractic assistant education requirements through equivalent education programs such as examinations, papers, publications, scientific presentations, teaching and research appointments, scientific exhibits and independent study or Internet courses such as distance learning, including, but not limited to, video and audio tapes or Internet education programs; and

(5) Shall establish procedures for the issuance of credit upon satisfactory proof of the completion of these programs.

b. Each 50 minutes of instruction in a board approved education course or program shall be equivalent to one credit.

4. Section 8 of P.L.2009, c.322 (C.45:9-41.31) is amended to read as follows:

C.45:9-41.31 Waiver of requirements.

8. The board may, in its discretion, waive requirements for continuing chiropractic and chiropractic assistant education on an individual basis for reasons of hardship, such as illness or disability, retirement of the license, or other good cause.

C.45:9-41.33 License necessary to practice as chiropractic assistant; exceptions.

5. a. No person shall practice as a chiropractic assistant unless the person holds a valid license to practice as a chiropractic assistant in this State pursuant to sections 5 through 8 of P.L.2015, c.283 (C.45:9-41.33 et seq.), except any student enrolled in an educational program recognized by the board that leads to a diploma or certification as a chiropractic assistant shall be permitted to provide clinical services under the supervision of a chiropractor to gain the necessary practical clinical experience. A licensed chiropractic assistant shall be considered a licensed healthcare professional and the chiropractic assistance services delegated to the assistant by a supervising chiropractor shall be considered performed incident to the license of the supervising chiropractor.

b. No person, business entity or its employees, agents, or representatives shall use the title "chiropractic assistant" or any other title, designation, words, letters, abbreviations, or insignia indicating the practice of chiropractic assistance unless licensed to practice chiropractic assistance under the provisions of P.L.2015, c.283 (C.45:9-41.33 et al.).

C.45:9-41.34 Qualifications for licensure.

6. To qualify for licensure as a chiropractic assistant by the board, an applicant shall:
 - a. Be at least 18 years of age;
 - b. Have received a high school diploma or a certificate of high school equivalency;
 - c. Be of good moral character;
 - d. Have completed an application in a manner and form prescribed by the board and paid all applicable fees required by the board;
 - e. Have completed an education program suitable for licensed chiropractic assistants, as determined by the board;
 - f. Have passed a competency examination approved by the board; and
 - g. Have completed practical clinical training, as determined by the board.

C.45:9-41.35 Issuance of license; renewal; fee.

7. The board shall issue a license to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of sections 5 through 8 of P.L.2015, c.283 (C.45:9-41.33 et seq.).

All licenses shall be issued for a two-year period upon the payment of the licensure fee prescribed by the board, and shall be renewed upon filing of a renewal application, the payment of a licensure fee, and presentation of satisfactory evidence that the renewal applicant has successfully completed 15 credit hours of continuing education, to be completed during each biennial period.

C.45:9-41.36 Conditions for issuance of license.

8. The board shall issue a license to any applicant who has:
 - a. complied with subsections a. through d. of section 6 of P.L.2015, c.283 (C.45:9-41.34);
 - b. a current chiropractic assistant license, registration, certification, or equivalent, in good standing, in another state whose requirements are substantially similar to or greater than the requirements under sections 5 through 8 of P.L.2015, c.283 (C.45:9-41.33 et seq.), as determined by the board; and
 - c. presented documentation to the board that the license in another jurisdiction has not been suspended, revoked, or otherwise restricted for any reason except non-renewal.

9. This act shall take effect on the 180th day next following the date of enactment; but the board may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 19, 2016.