

Draft of Legislation to Modify the Minnesota Chiropractic Scope of Practice
Minnesota Chiropractic Association

Section 1. Minnesota Statutes 2010, section 148.01, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For the purposes of sections 148.01 to 148.10:

(1) "chiropractic" is defined as the science of adjusting any abnormal articulations of the human body, especially those of the spinal column, for the purpose of giving freedom of action to impinged nerves that may cause pain or deranged function; and "Chiropractic" means the health care discipline that emphasizes the inherent recuperative power of the body to heal itself without the use of drugs or surgery by focusing on the relationship between structure, primarily the spine, and function, as coordinated by the nervous system, and how that relationship affects the preservation and restoration of health.

(2) "Chiropractic services" means the evaluation and facilitation of structural, biomechanical, and neurological function and integrity through diagnosis, and the use of adjustment, manipulation, mobilization, or other procedures accomplished by manual or mechanical forces applied to bones or joints and their related soft tissues for correction of neurological disturbances, structural alterations, biomechanical alterations, or abnormal articulations, and includes, but is not limited to, manual therapy and mechanical therapy as defined in section 146.23.

(3) "Abnormal articulation" means the condition of opposing bony joint surfaces and their related soft tissues that do not function normally, including subluxation, fixation, adhesion, degeneration, deformity, dislocation, or other pathology that results in pain or disturbances within the nervous system, results in postural alteration, inhibits motion, allows excessive motion, alters direction of motion, or results in loss of axial loading efficiency, or a combination of these.

(4) "Diagnosis" means the physical, clinical, and laboratory examination of the patient, and the use of diagnostic services for diagnostic purposes within the scope of practice described in sections 148.01 to 148.10.

(5) "Diagnostic services" means clinical, physical, laboratory, and other diagnostic measures, including diagnostic imaging, except as limited within this definition, that may be necessary to determine the presence or absence of a condition, deficiency, deformity, abnormality, or disease as a basis for evaluation of a health concern, diagnosis, differential diagnosis, treatment, further examination, or referral. Diagnostic imaging, does not include the actual performance of computerized tomography, magnetic resonance imaging, and positron emission tomography scans, but does include the ordering and interpreting of such procedures. Nothing in this section shall prohibit an individual licensed under 148.06 from owning equipment used for diagnostic imaging.

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(6) "Therapeutic services" means rehabilitative therapy as defined in Minnesota Rule 2500.0100, subp.11, and all of the therapeutic, rehabilitative, and preventive sciences and procedures for which the licensee was subject to examination under section 148.06. To the extent provided, therapeutic services must be provided within a practice where chiropractic services are provided, to prepare the patient for chiropractic services, or to complement the provision of chiropractic services. The administration of therapeutic services is the responsibility of the treating chiropractor and must be rendered under the direct supervision of qualified staff.

(7) "Acupuncture" means a modality of treating abnormal physical conditions by stimulating various points of the body or interruption of the cutaneous integrity by needle insertion to secure a reflex relief of the symptoms by nerve stimulation as utilized as an adjunct to chiropractic adjustment. Acupuncture may not be used as an independent therapy or separately from chiropractic services. Acupuncture is permitted under section 148.01 only after registration with the Board, which shall require completion of a board-approved course of study and successful completion of a board-approved national examination on acupuncture. Renewal of registration shall require completion of board-approved continuing education requirements in acupuncture.

~~(2)~~ (8) "Animal chiropractic diagnosis and treatment" means treatment that includes identifying and resolving vertebral subluxation complexes, spinal manipulation, and manipulation of the extremity articulations of nonhuman vertebrates. Animal chiropractic diagnosis and treatment does not include:

- (i) performing surgery;
- (ii) dispensing or administering of medications; or
- (iii) performing traditional veterinary care and diagnosis.

Sec. 2. Minnesota Statutes 2010, section 148.01, is amended by adding a subdivision to read:

Subd. 4. **Practice of chiropractic.** An individual licensed to practice under section 148.06 is authorized to perform chiropractic services, acupuncture, therapeutic services, and, to provide a diagnosis and to render opinions pertaining to those services for the purpose of determining a course of action in the best interests of the patient, such as a treatment plan, appropriate referral, or both.

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Sec. 3. Minnesota Statutes 2010, section 148.105, subdivision 1, is amended to read:

Subdivision 1. **Generally.** Any person who practices, or attempts to practice, chiropractic or who uses any of the terms or letters "Doctors of Chiropractic," "Chiropractor," "DC," or any other title or letters under any circumstances as to lead the public to believe that the person who so uses the terms is engaged in the practice of chiropractic, without having complied with the provisions of sections 148.01 to 148.104, is guilty of a gross misdemeanor; and, upon conviction, fined not less than \$1,000 nor more than \$10,000 or be imprisoned in the county jail for not less than 30 days nor more than six months or punished by both fine and imprisonment, in the discretion of the court. It is the duty of the county attorney of the county in which the person practices to prosecute. Nothing in sections 148.01 to 148.105 shall be considered as interfering with any person:

- (1) licensed by a health-related licensing board, as defined in section 214.01, subdivision 2, including psychological practitioners with respect to the use of hypnosis;
- (2) registered or licensed by the commissioner of health under section 214.13; or
- (3) engaged in other methods of healing regulated by law in the state of Minnesota; provided that the person confines activities within the scope of the license or other regulation and does not practice or attempt to practice chiropractic.

Sec. 4. **REPEALER.**

(a) Minnesota Statutes 2010, section 148.01, subdivision 3 is repealed.

(b) Minnesota Rules, parts 2500.0100, subparts 3, 4b, and 9b; and 2500.4000, are repealed.

***NOTICE: This is a draft of proposed legislation.
As such it may be modified by the Minnesota
Chiropractic Association based on input received
during our outreach efforts.***

10/4/2012 VERSION