

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 1356

By: Representative Scott

For An Act To Be Entitled

AN ACT TO REQUIRE REVOCATION OF THE LICENSE OF A CHIROPRACTOR WHO HAS BEEN CONVICTED OF A SEX CRIME; TO ENSURE THE SAFETY OF PATIENTS OF CHIROPRACTORS BY REQUIRING CRIMINAL BACKGROUND CHECKS AT LEAST ONCE EVERY FIVE (5) YEARS; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE REVOCATION OF THE LICENSE OF A CHIROPRACTOR CONVICTED OF A SEX CRIME; TO ENSURE THE SAFETY OF PATIENTS OF CHIROPRACTORS FOUND GUILTY OF SEX CRIMES BY REQUIRING CRIMINAL BACKGROUND CHECKS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 17-81-313 is amended to read as follows:
17-81-313. Disciplinary proceedings – Revocation or suspension.

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

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



- (2) Is guilty of crime or gross immorality;
- (3) Is unfit or incompetent by reason of negligence, habits, or other causes;
- (4) Is habitually intemperate or is addicted to the use of habit-forming drugs;
- (5) Is mentally incompetent;
- (6) Is guilty of unprofessional conduct;
- (7) Is guilty of fraud or deceit in filing insurance forms, documents, or information pertaining to the health or welfare of a patient; or
- (8) Has willfully or repeatedly violated any of the provisions of this chapter.

(b) If a licensed chiropractor pleads guilty or nolo contendere to or is found guilty of rape, attempted rape, sexual assault, or a similar sex crime, the board shall revoke the license of the chiropractor.

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

SECTION 2. Arkansas Code § 17-81-314 is amended to read as follows:
17-81-314. Reinstatement.

(a) A chiropractic license ~~which~~ that has been revoked for repeated violation of any of the causes enumerated in § ~~17-81-313 shall not be~~ § 17-81-313(a) or that has been revoked under § 17-81-313(b) is not eligible for reinstatement.

SECTION 3. Arkansas Code § 17-81-311(c), regarding renewal fees for chiropractor licenses, is amended to read as follows:

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

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

SECTION 4. 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)~~ (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)~~ (B) An educational course conducted by the board.

~~(b)(1)(2)(A)~~ (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)~~ (B) The board may waive the requirement for any other valid reason.

~~(3)(C)~~ (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)~~ (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)~~ (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.

(2) The board shall begin to require the federal and state

background check in 2014 and shall implement the background checks with at least twenty percent (20%) of the licensees for that year and each following year so that each licensee has a background check at least one (1) time every five (5) years.

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

(4) A chiropractor who does not submit to a federal and state background check as required under this subsection shall be accompanied by an assistant whenever the chiropractor interviews or treats a patient.

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

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

SECTION 5. Arkansas Code § 17-81-317(a), concerning reactivation of lapsed license, is amended to read as follows:

(a) ~~Any~~ A licensee who allows his or her license to lapse by failing to renew the license as provided under § 17-81-311 may apply to the Arkansas State Board of Chiropractic Examiners for a reinstatement of his or her license and must submit to the board a reinstatement fee of twenty-five dollars (\$25.00) together with all back fees, plus proof of compliance with the continuing education and federal and state background check requirements of § 17-81-312.