

HOUSE BILL NO. HB0132

Chiropractor licensure-amendments.

Sponsored by: Representative(s) Harvey, Greear, Greene,
Jaggi and Krone and Senator(s) Dockstader

A BILL

for

1 AN ACT relating to the chiropractic licensing act; amending
2 the composition and compensation of the board of
3 chiropractic examiners; providing for chiropractic interns
4 and preceptors; providing for temporary licensure as
5 specified; authorizing use of the phrase "chiropractic
6 physician" by licensees; amending requirements for
7 chiropractor examinations and continuing education;
8 amending acts identified as unlawful when committed by a
9 chiropractor; amending criminal penalties; and providing
10 for an effective date.

11

12 *Be It Enacted by the Legislature of the State of Wyoming:*

13

14 **Section 1.** W.S. 33-10-101, 33-10-102, 33-10-103,
15 33-10-104(a), 33-10-105, 33-10-106, 33-10-107, 33-10-108,
16 33-10-109, 33-10-110(a)(intro), (i), (xiii), by creating

1 new paragraphs (xv) and (xvi) and by creating a new
2 subsection (g), 33-10-111, 33-10-113, 33-10-114(a) and (b),
3 33-10-116 and 33-10-117 are amended to read:

4
5 **33-10-101. Chiropractic defined.**

6
7 Chiropractic is the system of specific adjustment or
8 manipulation of the joints and tissues of the body and the
9 treatment of the human body by the application of
10 manipulative, manual, mechanical, physiotherapeutic or
11 clinical nutritional methods for which those persons
12 licensed under this chapter are trained and may include the
13 use of diagnostic ~~x-rays~~ imaging, venipuncture and
14 acupuncture. A ~~chiropractor~~ chiropractic physician may
15 examine, diagnose and treat patients provided, however,
16 ~~chiropractors~~ chiropractic physicians shall not perform
17 incisive surgery, direct the use of or administer drugs
18 required by law to be dispensed on prescription only,
19 practice obstetrics or prescribe or administer x-ray
20 therapy.

21
22 **33-10-102. Board of chiropractic examiners;**
23 **established; composition; qualifications of members.**
24

1 There is hereby created and established a board to be known
2 as the state board of chiropractic examiners, which shall
3 be composed of ~~three (3)~~ one (1) member of the public at
4 large and four (4) practicing ~~chiropractors~~ chiropractic
5 physicians of integrity and ability, who shall be residents
6 of the state of Wyoming, who shall have practiced
7 chiropractic continuously in the state of Wyoming for a
8 period of at least three (3) years and who shall have a
9 diploma from a recognized chiropractic school or college.

10
11 **33-10-103. Board of chiropractic examiners;**
12 **appointment; term; qualifications; vacancies; removal.**

13
14 The governor shall appoint ~~three (3)~~ four (4) practicing
15 ~~chiropractors~~ chiropractic physicians, who shall possess
16 the qualifications specified in W.S. 33-10-102, and one (1)
17 citizen from the public at large to constitute the
18 membership of the board. Members shall be appointed to a
19 term of ~~three (3)~~ four (4) years, except that initial terms
20 of chiropractic physician members shall be staggered so
21 that annually thereafter the governor shall appoint one (1)
22 chiropractic physician member. ~~who shall be a licensed~~
23 ~~chiropractic practitioner possessing the qualifications~~
24 ~~specified in W.S. 33-10-102, and who shall serve for a~~

1 ~~period of three (3) years or until his successor is~~
2 ~~appointed.~~ The governor shall fill all vacancies occurring
3 in the board. The governor may remove any board member as
4 provided in W.S. 9-1-202.

5
6 **33-10-104. Board of chiropractic examiners; meetings;**
7 **procedure; records; members to be licensed.**

8
9 (a) The board of examiners shall convene within
10 thirty (30) days after the appointment of its members and
11 shall elect from its membership a president, vice-
12 president, ~~and secretary treasurer~~ a treasurer and a
13 secretary. The board shall hold a regular meeting once each
14 year at the capitol of the state, the date to be set by the
15 board at its first meeting. The board shall hold special
16 meetings at such times and places as a majority of the
17 members thereof may designate, ~~provided that not more than~~
18 ~~three (3) meetings shall be held in any one (1) year.~~ A
19 majority of the board shall constitute a quorum. The board
20 shall have authority to administer oaths, take affidavits,
21 summon witnesses and take testimony as to matters coming
22 within the scope of its duties. It shall adopt a seal,
23 which shall be affixed to all licenses issued by it and
24 shall from time to time adopt rules and regulations as are

1 proper and necessary for the performance of its duties. It
2 shall adopt a schedule of minimum educational requirements
3 not inconsistent with the provisions of this law, which
4 shall be without prejudice, partiality or discrimination as
5 to the standard schools of chiropractic. The secretary of
6 said board shall keep a record of the proceedings of the
7 board, which shall at all times be open to public
8 inspection. The board shall also have on file with the
9 secretary of state for public inspection a copy of its
10 rules and regulations.

11

12 **33-10-105. License required.**

13

14 (a) It shall be unlawful for any person to practice
15 chiropractic in this state without first obtaining a
16 license, as provided for in this act.

17

18 (b) Nothing in this chapter shall prevent the
19 activities and services of a person pursuing a course of
20 study leading to a degree in chiropractic at a college or
21 university, if such activities and services constitute a
22 part of a supervised course of study and the person is a
23 designated chiropractic intern or preceptor appropriate to

1 his level of training and as authorized by rules and
2 regulations of the board.

3
4 (c) The board pursuant to its rules and regulations
5 may issue a temporary license to an applicant who is
6 licensed or certified by a board of chiropractic of another
7 United States state or territory, or of a foreign country
8 or province whose standards are equal to or exceed the
9 requirements for licensure as a chiropractic physician in
10 this state. A temporary licensee may offer services as a
11 chiropractic physician in this state for not more than
12 seven (7) working days in any year, without holding a
13 permanent license issued under this act, when those
14 services are provided in connection with a traveling
15 athletic team or a performing arts group or are provided
16 for educational purposes. The temporary licensee shall
17 report the nature and extent of the licensee's practice in
18 this state to the board if that practice exceeds seven (7)
19 working days in any one (1) calendar year.

20
21 (d) No business entity organized under title 17 of
22 the Wyoming statutes shall employ or contract with a
23 chiropractic physician to provide chiropractic services
24 unless fifty-one percent (51%) of the equity in the entity

1 is owned by persons licensed pursuant to title 33, chapter
2 9, 10 or 26 of the Wyoming statutes. This subsection shall
3 not apply to:

4
5 (i) A health care facility as defined in W.S.
6 35-2-901(a)(x);

7
8 (ii) Clinical facilities affiliated with a
9 college of chiropractic which provides training for
10 chiropractic students and which is accredited by a
11 nationally recognized accreditation organization;

12
13 (iii) A public or private university or college;

14
15 (iv) Any agency of federal, state or local
16 government.

17
18 **33-10-106. Application for license; educational**
19 **requirements; fees.**

20
21 Any person wishing to practice chiropractic in this state
22 shall make application to the board of chiropractic
23 examiners, ~~through the secretary-treasurer thereof,~~ upon
24 such form and in such manner as may be prescribed and

1 directed by the board., ~~at least fifteen (15) days prior to~~
2 ~~any meeting of the board.~~ Each applicant shall be a
3 graduate of a recognized school of chiropractic, ~~in which~~
4 ~~he actually attended a course of study for at least four~~
5 ~~(4) years of nine (9) months each, preceded by a four year~~
6 ~~high school course or its equivalent, and at least two (2)~~
7 ~~years of study in either a course of liberal arts or~~
8 ~~science at the University of Wyoming or in a college or~~
9 ~~university accredited by the board. Application shall be in~~
10 ~~writing and shall be signed by the applicant and sworn to~~
11 ~~before some officer authorized to administer oaths~~ having
12 an accredited program which is professional in content and
13 which meets the academic and training standards established
14 by the board. There shall be paid by each applicant a
15 license fee in an amount established by the board pursuant
16 to W.S. 33-1-201 which fee shall accompany the application.

17

18 **33-10-107. Time, place and subjects for examinations;**
19 **reexamination.**

20

21 (a) Examinations for license to practice chiropractic
22 shall be given by the board at such times and places as it
23 shall determine., ~~and shall be given according to the~~
24 ~~method deemed by the board to be the most practicable and~~

1 ~~expeditious to test the applicant's qualifications. The~~
2 ~~secretary shall designate each applicant by a number~~
3 ~~instead of by name, so that his identity will not be~~
4 ~~disclosed to the members of the board until after the~~
5 ~~examination papers are graded.~~

6
7 (b) All examinations shall be made in writing and
8 shall include ~~the following subjects: principles and~~
9 ~~practice of chiropractic, sanitation, and hygiene, anatomy,~~
10 ~~physiology, symptomatology, diagnosis, chiropractic,~~
11 ~~orthopedy, pathology, and urinalysis. In addition the~~
12 ~~applicant must also give a clinical demonstration of~~
13 ~~vertebrae palpation, nerve tracing and adjusting,~~
14 ~~satisfactory to the board. Additional subjects may be~~
15 ~~prescribed from time to time by the board to meet with new~~
16 ~~conditions~~ those subjects identified by the board in its
17 rules and regulations.

18
19 (c) A license shall be granted to all applicants who
20 ~~shall correctly answer seventy five percent (75%) of all~~
21 ~~questions asked, but if any applicant shall fail to answer~~
22 ~~correctly sixty percent (60%) of the questions in any one~~
23 ~~(1) subject of said examination, regardless of what his~~
24 ~~average grade might be, he or she shall not be entitled to~~

1 ~~a license~~ achieve an overall passing grade and a passing
2 grade in each subject area as determined by the board in
3 its rules and regulations. An applicant who fails to pass
4 the examination may take a second examination at any time
5 within one (1) year from and after his first failure
6 without the payment of any additional fees.

7
8 **33-10-108. Duties and authority of practitioners.**
9

10 Chiropractic ~~practitioners~~ physicians shall observe and be
11 subject to all state and municipal regulations relating to
12 the control of contagious and infectious diseases, shall be
13 permitted to sign death certificates, and shall, as to any
14 and all matters pertaining to public health, report to the
15 proper health officers the same as other practitioners.

16
17 **33-10-109. Title of practitioners.**
18

19 ~~Chiropractors~~ Chiropractic physicians licensed under this
20 act shall have the right to practice chiropractic in
21 accordance with the method taught in the chiropractic
22 schools and colleges recognized by the chiropractic board
23 of examiners of this state. If a chiropractic physician
24 chooses to use the prefix "Dr." or "doctor" ~~shall not~~

1 ~~appear~~ on any display sign before the name of the
2 ~~practitioner, but shall appear in connection with~~
3 chiropractic physician, the display shall also include the
4 title "doctor of chiropractic," "chiropractic physician,"
5 "chiropractor," "D.C." or the equivalent. ~~Said title shall~~
6 ~~appear in same size type as name of practitioner.~~

7
8 **33-10-110. Prohibited acts; refusal, revocation or**
9 **suspension of license; appeals.**

10
11 (a) ~~It shall be unlawful for any holder of a license~~
12 ~~according to this chapter to commit~~ The board may deny,
13 refuse to renew, suspend, revoke or otherwise restrict a
14 license under this act for any of the following acts:

15
16 (i) To ~~use any false, fraudulent or forged~~
17 ~~statement or document, or any fraudulent, deceitful,~~
18 ~~dishonest or immoral practice, in connection with any of~~
19 ~~the licensing requirements~~ knowingly submit false or
20 misleading information to the board;

21
22 (xiii) To obtain a fee as personal compensation
23 or gain to an employer or for a person on fraudulent

1 representation that a manifestly incurable condition can be
2 permanently cured;~~or~~

3
4 (xv) To aid or abet the practice of chiropractic
5 by a person who is not licensed by the board;

6
7 (xvi) To violate any code of ethics or
8 disciplinary rules established by the board.

9
10 (g) Unless the board and the licensee have agreed to
11 the relinquishment of or imposition of restrictions or
12 conditions on a license, the board shall conduct a
13 proceeding to deny, refuse to renew, suspend, revoke or
14 otherwise restrict a license on the grounds set forth in
15 subsection (a) of this section as a contested case under
16 the Wyoming Administrative Procedure Act.

17
18 **33-10-111. Appeal from decision of board.**

19
20 Any person ~~feeling himself~~ aggrieved by the decision of the
21 board may ~~have an appeal to the district court of the~~
22 ~~county wherein his license to practice is of record. The~~
23 ~~manner and procedure of appeal shall be the same as that~~
24 ~~provided by law in the cases of appeals from a circuit~~

1 ~~court to the district court~~ petition for judicial review
2 pursuant to the Wyoming Administrative Procedure Act.

3
4 **33-10-113. Prerequisite for renewal of license;**
5 **board's power to make regulations; fees.**

6
7 (a) Each ~~chiropractor~~ chiropractic physician shall,
8 as a prerequisite to annual license renewal, submit as a
9 part of the renewal application satisfactory evidence of ~~a~~
10 ~~minimum of twelve (12) attendance hours during the~~
11 ~~preceding year at one (1) or more chiropractic symposiums.~~
12 ~~Symposiums approved for licensees practicing within the~~
13 ~~state of Wyoming are those sponsored or conducted by any~~
14 ~~state chiropractic association, the American Chiropractic~~
15 ~~Association, or the International Chiropractic Association,~~
16 ~~or an approved chiropractic college, which devote~~
17 ~~themselves to lectures or demonstrations concerning matters~~
18 ~~which are recognized in the state of Wyoming chiropractic~~
19 ~~laws~~ having completed the continuing education requirements
20 established by the board in its rules and regulations.

21
22 (b) The board shall also adopt rules and regulations
23 authorizing the board to grant exceptions to the
24 educational requirements, including but not limited to

1 retired ~~chiropractors~~ chiropractic physicians,
2 ~~chiropractors~~ chiropractic physicians who graduated within
3 twelve (12) months of the date of renewal application, ~~or~~
4 ~~chiropractors~~ chiropractic physicians who were unable to
5 obtain the education requirements because of major illness
6 or chiropractic physicians in active military service.

7
8 (c) All persons practicing chiropractic within this
9 state shall pay on or before ~~June 1~~ December 31 of each
10 year, a renewal license fee in an amount established by the
11 board pursuant to W.S. 33-1-201. If any practicing
12 ~~chiropractor~~ chiropractic physician fails to pay the
13 renewal license ~~tax~~ fee imposed by W.S. 33-10-101 through
14 33-10-117 within thirty (30) days after the ~~same is due and~~
15 ~~payable~~ due date, the ~~board shall revoke his~~ license shall
16 lapse. ~~When the license is revoked, it can~~ A lapsed
17 license shall only be restored within one (1) year of
18 expiration upon written application ~~therefor~~ and payment to
19 the board of a fee of twice the amount of the renewal fee
20 in effect at the time the restoration application is filed.

21
22 **33-10-114. Disposition of money collected; expenses**
23 **of board; per diem of members; compensation of treasurer.**

1 (a) All money shall be received and collected as
2 provided by law. ~~The state treasurer shall place ten~~
3 ~~percent (10%) of the money in the general fund and the~~
4 ~~remainder in a separate account, and shall pay out of the~~
5 ~~account on warrants drawn by the auditor of the state, upon~~
6 ~~vouchers issued and signed by the president and secretary~~
7 ~~treasurer of the board. The money received and placed in~~
8 ~~the account may be used by the members of the state board~~
9 ~~of chiropractic examiners in defraying their salary,~~
10 ~~mileage and per diem allowance as hereinafter provided in~~
11 ~~carrying out the provisions of this act. The secretary~~
12 ~~treasurer shall keep an accurate and true account of all~~
13 ~~money received and all vouchers issued by the board. He~~
14 ~~shall, as required by W.S. 9-2-1014, report to the governor~~
15 ~~relative to all proceedings of the board~~ All money received
16 or collected under this chapter shall be paid to the state
17 treasurer for deposit in a separate account. The money in
18 the account is subject at all times to the warrant of the
19 state auditor drawn upon written requisition attested by
20 the executive director of the board for the payment of any
21 board expenses.

22

23 (b) The members of the board shall receive ~~ten~~
24 ~~dollars (\$10.00) together with per diem and mileage~~

~~allowance as allowed to state employees for each day during~~
~~which they are actually engaged in the discharge of their~~
~~duties. The total expense for every purpose incurred by the~~
~~board shall not exceed the total of the money collected as~~
salary the sum paid each day to legislators, or an
equivalent hourly wage, together with per diem and mileage
allowance as allowed to state employees, when actually
engaged in official board duties.

33-10-116. Violation of W.S. 33-10-101 through
33-10-117.

(a) Any person, corporation or association who shall
practice, or attempt to practice, chiropractic, or any
person who shall buy, sell, or fraudulently obtain any
diplomas or licenses to practice chiropractic, or who shall
use the title "doctor of chiropractic", or any word or
title to influence belief that he is engaged in the
practice of chiropractic, without first complying with the
provisions of this act, shall be guilty of a misdemeanor,
and upon conviction thereof, shall be punished by a fine of
not ~~less than one hundred dollars (\$100.00) nor~~ more than
~~five hundred dollars (\$500.00)~~ one thousand dollars
(\$1,000.00), or by imprisonment in the county jail for not

1 ~~less than thirty (30) days nor more than six (6) months~~
2 more than one (1) year, or by both fine and imprisonment.

3
4 (b) The attorney general, the state board of
5 chiropractic examiners, or any county attorney, ~~or any~~
6 ~~licensed doctor of chiropractic in the state of Wyoming,~~
7 may obtain an injunction in the name of the state of
8 Wyoming upon the relation of such complainant enjoining any
9 person, corporation or association and the officer and
10 directors and employees of such corporation or association
11 from engaging in the practice of chiropractic without a
12 license and certificate or violation of any of the
13 provisions of this chapter. The district court of the
14 district in which the offending party resides or the
15 district court of Laramie county shall have original
16 jurisdiction of any such injunction proceedings. Any
17 defendant who has been so enjoined who shall violate such
18 injunction shall be punished ~~for contempt of court~~ by a
19 fine of not ~~less than two hundred dollars (\$200.00) or~~ more
20 than one thousand dollars (\$1,000.00) or by imprisonment ~~in~~
21 ~~the county jail~~ for ~~not less than six (6) months or~~ not
22 more than one (1) year, or both. An injunction may be
23 issued without proof of actual damage sustained and upon
24 proof of one (1) or more acts constituting practice of

1 chiropractic without a license or in violation of any
2 provision of this chapter.

3
4 **33-10-117. Restrictions.**

5
6 Nothing contained in this act shall be construed to
7 restrain or restrict ~~any legally licensed physician or~~
8 ~~surgeon or any legally licensed osteopath, in the practice~~
9 ~~of his profession. The practice of chiropractic is hereby~~
10 ~~declared not to be the practice of medicine, surgery, or~~
11 ~~osteopathy, within the meaning of the laws of the state of~~
12 ~~Wyoming~~ licensed or certified members of other legally
13 recognized professions from performing services consistent
14 with the laws of this state, provided they do not represent
15 themselves as practicing the profession regulated under
16 this act and do not represent themselves to be chiropractic
17 physicians. Nothing contained in this act shall be construed
18 to restrain or restrict the practice of venapuncture or
19 acupuncture.

20
21 **Section 2.** W.S. 33-10-104(b) and 33-10-110(b) through
22 (e), 33-10-112, 33-10-114(c) and 33-10-115 are repealed.

