

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE BILL 864\*  
Health Care Committee Substitute Adopted 7/11/07

Short Title: Amend Chiropractic Practice Act.

(Public)

Sponsors:

Referred to:

March 19, 2007

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CHIROPRACTIC PRACTICE ACT TO REQUIRE  
CRIMINAL RECORD CHECKS ON APPLICANTS FOR LICENSURE AS  
CHIROPRACTIC PHYSICIANS, TO PROHIBIT CHIROPRACTORS FROM  
OFFERING ENTICEMENTS TO PROSPECTIVE PATIENTS, AND TO EXPAND  
THE GROUNDS FOR PROFESSIONAL DISCIPLINE OF CHIROPRACTORS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 8 of Chapter 90 of the General Statutes is amended by  
adding a new section to read:

**"§ 90-143.3. Criminal record checks of applicants for licensure.**

(a) Any person applying for licensure as a chiropractic physician in this State shall provide to the Board a fingerprint card in a format acceptable to the Board and a form signed by the applicant consenting to a criminal record check and the use of the applicant's fingerprints and such other identifying information as may be required by the State or national data banks. The Board shall submit these documents to the Department of Justice, along with a request for a criminal record check of the applicant.

(b) Upon receipt of the Board's submission, the Department of Justice shall commence the requested criminal record check. The Department of Justice shall forward a set of the applicant's fingerprints to the State Bureau of Investigation for a search of the State's criminal records, and the State Bureau of Investigation shall forward a set of the applicant's fingerprints to the Federal Bureau of Investigation for a search of national criminal records. The Department of Justice may charge the licensure applicant a fee for performing the criminal record check.

(c) The Board shall keep all information obtained from criminal record checks privileged and confidential, in accordance with applicable State law and federal guidelines, and the information shall not be a public record under Chapter 132 of the General Statutes. If the Board refuses to issue a license based in whole or part on information obtained from a criminal record check, the Board may disclose the relevant

1 information to the applicant but shall not provide a copy of the record check to the  
2 applicant.

3 (d) When acting in good faith and in conformity with this section, the Board, its  
4 officers, and employees shall be immune from civil liability for initially refusing  
5 licensure based on information contained in a criminal record check supplied by the  
6 Department of Justice, even if the information relied upon is later shown to be  
7 erroneous."

8 **SECTION 2.** Article 8 of Chapter 90 of the General Statutes is amended by  
9 adding a new section to read:

10 **"§ 90-154.4. Enticements prohibited.**

11 (a) For purposes of this section, an enticement is anything of monetary value  
12 offered by a chiropractor to a prospective patient as an incentive to enter treatment.  
13 Except as permitted in subsection (b) of this section, it shall be an unlawful rebate, in  
14 violation of G.S. 90-154(b)(12), for a chiropractor to offer an enticement to a  
15 prospective patient if, at the time the offer is made, the chiropractor knows or has reason  
16 to believe that the prospective patient's treatment expenses will be paid in whole or part  
17 by an insurer or other third-party payor.

18 (b) Unless prohibited by other State or federal law, the following marketing  
19 practices shall not be construed as violations of subsection (a) of this section:

20 (1) Free or reduced rates, services, examinations, or treatments advertised  
21 and delivered in conformity with G.S. 90-154.1.

22 (2) Cash or point-of-service discounts not more than 30 percentage points  
23 lower than the charges customarily billed to third-party payors.

24 (3) Prepaid wellness plans covering only services that can be performed  
25 entirely by the offering chiropractor or the chiropractor's staff within  
26 the confines of the chiropractor's office.

27 (4) Merchandise with a value of not more than ten (\$10.00) dollars given  
28 to a prospective patient for promotional purposes."

29 **SECTION 3.** G.S. 90-154(b) is amended by adding a new subdivision to  
30 read:

31 "(b) Any one of the following is grounds for disciplinary action by the Board  
32 under subsection (a):

33 ...

34 (21) Committing an act which demonstrates a lack of good moral character  
35 which would have been a basis for denying a license under  
36 G.S. 90-143(b)(1), had it been committed before application for a  
37 license."

38 **SECTION 4.** The Joint Legislative Administrative Procedure Oversight  
39 Committee shall undertake a study of the disciplinary authority of all occupational  
40 licensing boards subject to Chapter 93B. The Committee shall review the grounds for  
41 imposing disciplinary action, the levels of discipline, and the process for making  
42 disciplinary determinations used by each of the occupational licensing boards. The  
43 Committee may report its findings and any legislative recommendations to the 2008  
44 Regular Session of the General Assembly.

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**SECTION 5.** This act becomes effective October 1, 2007.