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**HOUSE BILL NO. 1360**

Offered January 18, 2002

*A BILL to amend and reenact §§ 8.01-225.1, 8.01-401.2, 8.01-581.18, 13.1-543, 13.1-1102, 38.2-2800, 54.1-2503, 54.1-2900, 54.1-2902, 54.1-2903, 54.1-2904, 54.1-2908, 54.1-2911, 54.1-2912, 54.1-2913.1, 54.1-2929, 54.1-2930, 54.1-2931, 54.1-2932, 54.1-2937, 54.1-2941, 54.1-3513, 65.2-312 and 65.2-603 of the Code of Virginia, and to amend the Code of Virginia by adding in Title 54.1 a chapter numbered 26.1, consisting of sections numbered 54.1-2604 through 54.1-2613, relating to a Board of Chiropractic.*

Patrons—Griffith, Devolites, Hamilton and Moran

Referred to Committee on Health, Welfare and Institutions

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 8.01-225.1, 8.01-401.2, 8.01-581.18, 13.1-543, 13.1-1102, 38.2-2800, 54.1-2503, 54.1-2900, 54.1-2902, 54.1-2903, 54.1-2904, 54.1-2908, 54.1-2911, 54.1-2912, 54.1-2913.1, 54.1-2929, 54.1-2930, 54.1-2931, 54.1-2932, 54.1-2937, 54.1-2941, 54.1-3513, 65.2-312 and 65.2-603 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding in Title 54.1 a chapter numbered 26.1, consisting of sections numbered 54.1-2604 through 54.1-2613, as follows:**

§ 8.01-225.1. Immunity for team physicians.

Any physician, surgeon or chiropractor licensed to practice by the Board of Medicine *or the Board of Chiropractic* in this Commonwealth who, in the absence of gross negligence or willful misconduct, renders emergency medical care or emergency treatment to a participant in an athletic event sponsored by a public, private or parochial elementary, middle or high school while acting without compensation as a team physician, shall not be liable for civil damages resulting from any act or omission related to such care or treatment.

§ 8.01-401.2. Chiropractor as expert witness.

A doctor of chiropractic, when properly qualified, may testify as an expert witness in a court of law as to etiology, diagnosis, prognosis, and disability, including anatomical, physiological, and pathological considerations within the scope of the practice of chiropractic as defined in § 54.1-2900 *Chapter 26.1* (§ 54.1-2604 *et seq.*) of Title 54.1.

§ 8.01-581.18. Delivery of results of laboratory tests and other examinations not authorized by physician; immunity of physician.

A. Whenever a laboratory test or other examination of the physical or mental condition of any person is conducted by or under the supervision of a person other than a physician and not at the request or with the written authorization of a physician, any report of the results of such test or examination shall be provided by the person conducting such test or examination to the person who was the subject of such test or examination. Such report shall state in bold type that it is the responsibility of the recipient to arrange with his physician for consultation and interpretation of the results of such test or examination. The provisions of this subsection shall not apply to any test or examination conducted under the auspices of the State Department of Health.

B. Any physician shall be immune from civil liability for any failure to review, or to take any action in response to the receipt of, any report of the results of any laboratory test or other examination of the physical or mental condition of any person, which test or examination such physician neither requested nor authorized in writing, unless such report is provided directly to the physician by the person so examined or tested with a request for consultation or by the State Department of Health.

C. As used in this section, "physician" means a person licensed to practice medicine, ~~chiropractic~~ or osteopathy in this Commonwealth pursuant to Chapter 29 (§ 54.1-2900 *et seq.*) of Title 54.1 *or chiropractic pursuant to Chapter 26.1* (§ 54.1-2604 *et seq.*) of Title 54.1.

§ 13.1-543. Definitions.

As used in this chapter:

A. The term "professional service" means any type of personal service to the public which requires as a condition precedent to the rendering of such service or use of such title the obtaining of a license, certification or other legal authorization and shall be limited to the personal services rendered by *chiropractors*, pharmacists, optometrists, practitioners of the healing arts, nurse practitioners, practitioners of the behavioral science professions, veterinarians, surgeons, dentists, architects, professional engineers, land surveyors, certified landscape architects, certified interior designers, public accountants, certified public accountants, attorneys-at-law, insurance consultants, audiologists or speech pathologists, and clinical nurse specialists. For the purposes of this chapter, the following shall be deemed to be rendering

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59 the same professional service:

60 1. Architects, professional engineers and land surveyors; and

61 2. *Chiropractors, licensed under the provisions of Chapter 26.1 (§ 54.1-2604 et seq.), Practitioners*  
62 *practitioners of the healing arts, licensed under the provisions of Chapter 29 (§ 54.1-2900 et seq.) of*  
63 *Title 54.1, nurse practitioners, licensed under the provisions of Chapter 29 (§ 54.1-2900 et seq.) of Title*  
64 *54.1, optometrists, licensed under the provisions of Chapter 32 (§ 54.1-3200 et seq.) of Title 54.1,*  
65 *physical therapists and physical therapist assistants, licensed under the provisions of Chapter 34.1*  
66 *(§ 54.1-3473 et seq.) of Title 54.1, practitioners of the behavioral science professions, licensed under the*  
67 *provisions of Chapters 35 (§ 54.1-3500 et seq.), 36 (§ 54.1-3600 et seq.) and 37 (§ 54.1-3700 et seq.) of*  
68 *Title 54.1, and one or more clinical nurse specialists who render mental health services licensed under*  
69 *Chapter 30 (§ 54.1-3000 et seq.) of Title 54.1 and registered with the Board of Nursing.*

70 B. The term "professional corporation" means a corporation whose articles of incorporation set forth  
71 a sole and specific purpose permitted by this chapter and which is either (i) organized under this chapter  
72 for the sole and specific purpose of rendering professional service other than that of architects,  
73 professional engineers or land surveyors, or using a title other than that of certified landscape architects  
74 or certified interior designers and, except as expressly otherwise permitted by this chapter, which has as  
75 its shareholders only individuals who themselves are duly licensed or otherwise legally authorized to  
76 render the same professional service as the corporation and of which shareholders at least one is duly  
77 licensed or otherwise legally authorized to render such professional service within the Commonwealth;  
78 or (ii) organized under this chapter for the sole and specific purpose of rendering the professional  
79 services of architects, professional engineers or land surveyors, or using the title of certified landscape  
80 architects or certified interior designers, or any combination thereof, and at least two-thirds of whose  
81 shares are held by persons duly licensed within the Commonwealth to perform the services of an  
82 architect, professional engineer or land surveyor, or by persons legally authorized within the  
83 Commonwealth to use the title of certified landscape architect or certified interior designer; or (iii)  
84 organized under this chapter or under Chapter 10 (§ 13.1-801 et seq.) of this title for the sole and  
85 specific purpose of rendering the professional services of *one or more chiropractors, licensed under the*  
86 *provisions of Chapter 26.1 (§ 54.1-2604 et seq.) of Title 54.1, one or more practitioners of the healing*  
87 *arts, licensed under the provisions of Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1, or one or more*  
88 *nurse practitioners, licensed under Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1, or one or more*  
89 *optometrists licensed under the provisions of Chapter 32 (§ 54.1-3200 et seq.) of Title 54.1, or one or*  
90 *more physical therapists and physical therapist assistants licensed under the provisions of Chapter 34.1*  
91 *(§ 54.1-3473 et seq.) of Title 54.1, or one or more practitioners of the behavioral science professions,*  
92 *licensed under the provisions of Chapter 35 (§ 54.1-3500 et seq.), 36 (§ 54.1-3600 et seq.) or 37*  
93 *(§ 54.1-3700 et seq.) of Title 54.1, or one or more practitioners of audiology or speech pathology,*  
94 *licensed under the provisions of Chapter 26 (§ 54.1-2600 et seq.) of Title 54.1, or one or more clinical*  
95 *nurse specialists who render mental health services licensed under Chapter 30 (§ 54.1-3000 et seq.) of*  
96 *Title 54.1 and registered with the Board of Nursing, or any combination of *chiropractors*, practitioners*  
97 *of the healing arts, optometry, physical therapy, the behavioral science professions, and audiology or*  
98 *speech pathology, and all of whose shares are held by or all of whose members are persons duly*  
99 *licensed or otherwise legally authorized to perform the services of a *chiropractor*, practitioner of the*  
100 *healing arts, optometry, physical therapy, the behavioral science professions, or audiology or speech*  
101 *pathology or of a clinical nurse specialist who renders mental health services; however, nothing herein*  
102 *shall be construed so as to allow any member of the healing arts, optometry, physical therapy, the*  
103 *behavioral science professions, or audiology or speech pathology or a clinical nurse specialist to conduct*  
104 *his practice in a manner contrary to the standards of ethics of his branch of *chiropractic*, the healing*  
105 *arts, optometry, physical therapy, the behavioral science professions, or audiology or speech pathology,*  
106 *or nursing, as the case may be.*

107 C. Persons who practice the healing art of performing professional clinical laboratory services within  
108 a hospital pathology laboratory shall be legally authorized to do so for purposes of this chapter if such  
109 persons (i) hold a doctorate degree in the biological sciences or a board certification in the clinical  
110 laboratory sciences and (ii) are tenured faculty members of an accredited medical college or university  
111 that is an "educational institution" within the meaning of § 23-14.

112 § 13.1-1102. Definitions.

113 A. As used in this chapter:

114 "Professional business entity" means (i) a professional limited liability company, (ii) a professional  
115 corporation within the meaning of § 13.1-543 B, or (iii) a partnership (including a professional registered  
116 limited liability partnership registered under § 54.1-3902) each of the partners of which is duly licensed  
117 or otherwise legally authorized to render the same professional services as those for which the  
118 partnership was organized.

119 "Professional limited liability company" means a limited liability company whose articles of  
120 organization set forth a sole and specific purpose permitted by this chapter and that is either (i)

organized under this chapter for the sole and specific purpose of rendering professional service other than that of architects, professional engineers or land surveyors, or using a title other than that of certified landscape architects or certified interior designers and, except as expressly otherwise permitted by this chapter, that has as its members only persons or professional business entities that themselves are duly licensed or otherwise legally authorized to render the same professional service as the professional limited liability company and of which members at least one is duly licensed or otherwise legally authorized to render such professional service within the Commonwealth; or (ii) organized under this chapter for the sole and specific purpose of rendering professional service of architects, professional engineers or land surveyors, or using the title of certified landscape architects or certified interior designers, or any combination thereof, and at least two-thirds of whose membership interests are held by persons duly licensed within the Commonwealth to perform the services of an architect, professional engineer or land surveyor, or by persons legally authorized within the Commonwealth to use the title of certified landscape architect or certified interior designer; or (iii) organized under this chapter for the sole and specific purpose of rendering the professional services of *one or more chiropractors, licensed under the provisions of Chapter 26.1 (§ 54.1-2604 et seq.) of Title 54.1, or one or more practitioners of the healing arts, licensed under the provisions of Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1, or one or more nurse practitioners, licensed under Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1, or one or more optometrists licensed under the provisions of Chapter 32 (§ 54.1-3200 et seq.) of Title 54.1, or one or more physical therapists and physical therapist assistants licensed under the provisions of Chapter 34.1 (§ 54.1-3473 et seq.) of Title 54.1, or one or more practitioners of the behavioral science professions, licensed under the provisions of Chapter 35 (§ 54.1-3500 et seq.), 36 (§ 54.1-3600 et seq.) or 37 (§ 54.1-3700 et seq.) of Title 54.1, or one or more practitioners of audiology or speech pathology, licensed under the provisions of Chapter 26 (§ 54.1-2600 et seq.) of Title 54.1, or one or more clinical nurse specialists who render mental health services licensed under Chapter 30 (§ 54.1-3000 et seq.) of Title 54.1 and registered with the Board of Nursing, or any combination of *chiropractic*, practitioners of the healing arts, of optometry, physical therapy, the behavioral science professions, and audiology or speech pathology and all of whose members are persons or professional business entities duly licensed or otherwise legally authorized to perform the services of a *chiropractor*, practitioner of the healing arts, optometry, physical therapy, the behavioral science professions or audiology or speech pathology or of a clinical nurse specialist who renders mental health services; however, nothing herein shall be construed so as to allow any member of *chiropractic*, the healing arts, optometry, physical therapy, the behavioral science professions, or audiology or speech pathology or a clinical nurse specialist to conduct that person's practice in a manner contrary to the standards of ethics of that person's branch of *chiropractic*, the healing arts, optometry, physical therapy, the behavioral science professions, or audiology or speech pathology, or nursing as the case may be.*

"Professional services" means any type of personal service to the public that requires as a condition precedent to the rendering of that service or the use of that title the obtaining of a license, certification, or other legal authorization and shall be limited to the personal services rendered by *chiropractors*, pharmacists, optometrists, physical therapists and physical therapist assistants, practitioners of the healing arts, nurse practitioners, practitioners of the behavioral science professions, veterinarians, surgeons, dentists, architects, professional engineers, land surveyors, certified landscape architects, certified interior designers, public accountants, certified public accountants, attorneys at law, insurance consultants, audiologists or speech pathologists and clinical nurse specialists. For the purposes of this chapter, the following shall be deemed to be rendering the same professional services:

1. Architects, professional engineers, and land surveyors; and
2. *Chiropractors, licensed under the provisions of Chapter 26.1 (§ 54.1-2604 et seq.) of Title 54.1, practitioners of the healing arts, licensed under the provisions of Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1, nurse practitioners, licensed under Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1, optometrists, licensed under the provisions of Chapter 32 (§ 54.1-3200 et seq.) of Title 54.1, physical therapists, licensed under the provisions of Chapter 34.1 (§ 54.1-3473 et seq.) of Title 54.1, practitioners of the behavioral science professions, licensed under the provisions of Chapters 35 (§ 54.1-3500 et seq.), 36 (§ 54.1-3600 et seq.), and 37 (§ 54.1-3700 et seq.) of Title 54.1, and clinical nurse specialists who render mental health services licensed under Chapter 30 (§ 54.1-3000 et seq.) of Title 54.1 and registered with the Board of Nursing.*

B. Persons who practice the healing art of performing professional clinical laboratory services within a hospital pathology laboratory shall be legally authorized to do so for purposes of this chapter if such persons (i) hold a doctorate degree in the biological sciences or a board certification in the clinical laboratory sciences and (ii) are tenured faculty members of an accredited medical college or university that is an "educational institution" within the meaning of § 23-14.

C. Except as expressly otherwise provided, all terms defined in § 13.1-1002 shall have the same meanings for purposes of this chapter.

182 § 38.2-2800. Definitions.

183 As used in this chapter:

184 "Association" means the joint underwriting association established pursuant to the provisions of this  
185 chapter.

186 "Incidental coverage" means any other type of liability insurance covering activities directly related  
187 to the continued and efficient delivery of health care that: (i) cannot be obtained in the voluntary market  
188 because medical malpractice insurance is being provided pursuant to this chapter; and (ii) cannot be  
189 obtained through other involuntary market mechanisms.

190 "Liability insurance" includes the classes of insurance defined in §§ 38.2-117 through 38.2-119 and  
191 the liability portions of the insurance defined in §§ 38.2-124, 38.2-125, and 38.2-130 through 38.2-132.

192 "Medical malpractice insurance" means insurance coverage against the legal liability of the insured  
193 and against loss, damage, or expense incident to a claim arising out of the death or injury of any person  
194 as the result of negligence in rendering or failing to render professional service by any provider of  
195 health care.

196 "Net direct premiums written" means gross direct premiums written in this Commonwealth on all  
197 policies of liability insurance less, (i) all return premiums on the policy, (ii) dividends paid or credited  
198 to policyholders, and (iii) the unused or unabsorbed portions of premium deposits on liability insurance.

199 "Provider of health care" means any of the following deemed by the Commission to be necessary for  
200 the delivery of health care: (i) a physician and any other individual licensed or certified pursuant to  
201 Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1; (ii) a *chiropractor*, nurse, dentist, or pharmacist licensed  
202 pursuant to Title 54.1; (iii) any health facility licensed or eligible for licensure pursuant to Chapter 5  
203 (§ 32.1-123 et seq.) of Title 32.1 or Chapter 8 (§ 37.1-179 et seq.) of Title 37.1; and (iv) any other  
204 group, type, or category of individual or health-related facility that the Commission finds to be  
205 necessary for the continued delivery of health care after providing notice and opportunity to be heard.

206 § 54.1-2503. Boards within Department.

207 In addition to the Board of Health Professions, the following boards are included within the  
208 Department: Board of Audiology and Speech-Language Pathology, *Board of Chiropractic*, Board of  
209 Counseling, Board of Dentistry, Board of Funeral Directors and Embalmers, Board of Medicine, Board  
210 of Nursing, Board of Nursing Home Administrators, Board of Optometry, Board of Pharmacy, Board of  
211 Physical Therapy, Board of Psychology, Board of Social Work and Board of Veterinary Medicine.

## 213 CHAPTER 26.1.

### 214 CHIROPRACTIC.

#### 215 Article 1.

#### 216 Board of Chiropractic.

217 § 54.1-2604. Definitions.

218 As used in this chapter, unless the context requires a different meaning:

219 "Board" means the Board of Chiropractic.

220 "Chiropractor" means any person practicing the profession of chiropractic as defined in this chapter  
221 and the regulations of the Board.

222 "Practice of chiropractic" means the adjustment of the twenty-four movable vertebrae of the spinal  
223 column and the assisting of nature for the purpose of normalizing the transmission of nerve energy, but  
224 does not include the use of surgery, obstetrics, osteopathy or the administration or prescribing of any  
225 drugs, medicines, serums or vaccines.

226 § 54.1-2605. What constitutes practice of chiropractic.

227 A. Any person who in any way advertises himself as a chiropractor, uses the term chiropractic, uses  
228 other chiropractic terms or procedures or uses the title Doctor of Chiropractic (D.C.) or any other  
229 letters or title in connection with his name that in any way conveys the impression that he is engaged in  
230 the practice of chiropractic shall be deemed to be practicing chiropractic within the meaning of this  
231 chapter.

232 B. Every person practicing chiropractic shall display his license in a conspicuous place in the  
233 principal office in which he practices. No person regulated under this chapter shall use the term  
234 "Doctor" or the abbreviation "Dr." in writing or in advertising in connection with his practice unless he  
235 simultaneously uses a clarifying title, initials, abbreviation or designation or language that identifies the  
236 individual as a doctor of chiropractic.

237 § 54.1-2606. Board; membership; terms of office; officers; quorum; removal from office; seal;  
238 compensation.

239 A. The Board of Chiropractic shall be composed of seven members as follows: six licensed  
240 chiropractors and one citizen member. The citizen member shall not be involved in other health care  
241 professions, either directly or indirectly, through financial, political, or familial association, which may  
242 be construed as a conflict of interest. Each chiropractic member shall have been engaged in the practice  
243 of chiropractic for at least seven years preceding his appointment, with the last five years being in the

Commonwealth.

B. The members of the Board shall be appointed by the Governor and the terms of office of the members shall be four years. However, initial terms shall be two-year terms for three members, three-year terms for two members, and four-year terms for two members. Members may serve a maximum of two full four-year terms.

C. The Board shall annually elect a president, vice president, and secretary-treasurer from among its members. The Board shall meet quarterly or as necessary to complete its duties, at such times and places as it may deem proper. Five members constitute a quorum.

D. The Governor may remove any member of the Board in case of incompetency, neglect of duty, gross immorality, or malfeasance in office.

E. The Board shall adopt a seal of which the executive director shall have custody. The executive director shall keep a record of all proceedings of the Board, which shall be open to the public for inspection except for those disciplinary matters or personnel matters that are otherwise protected by statute.

F. Members of the Board shall be entitled to compensation and necessary expenses when the member is engaged in the official business of the Board pursuant to § 2.2-2104.

§ 54.1-2607. Powers and duties of the Board.

A. The Board shall:

1. Administer, coordinate and enforce the provisions of this chapter;
2. Evaluate the qualifications of candidates;
3. Regulate the examination of applicants;
4. Issue or deny original or endorsement licenses;
5. Investigate allegations of violations of this chapter and impose penalties if such violations have occurred;

6. Adopt regulations that include, but are not limited to, provisions that delineate the qualifications for licensure, specify requirements for the renewal of licensure, set forth procedures for licensure of chiropractor, establish a fee schedule listing all fees and charges for licensure, establish standards of professional conduct, establish procedures for disciplinary actions and complaint resolutions, and provide for certain duties of board members;

7. Evaluate the professional education and training of applicants for licensure and licensure renewal;

8. Evaluate the previous professional performance of applicants for licensure and licensure renewal;

9. Accept or deny applications for licensure renewal;

10. Establish appropriate fees and charges to support the active and effectual pursuit of legal responsibilities;

11. Employ such personnel as determined by its needs and budget;

12. Request legal advice and assistance, as needed, from the Office of the Attorney General;

13. Enter into such contracts as this chapter requires, including contracts for professional services that may include investigation, financing or legal services;

14. Develop and adopt a budget; and

15. Communicate disciplinary actions to relevant state and federal authorities and to other state chiropractic licensing authorities.

B. The Board shall not change the scope of chiropractic practice through regulation, opinions, rulings, or other administrative means.

## Article 2.

### Licensure of Chiropractors.

§ 54.1-2608. Prohibited acts; license applications; requirements for licensure.

A. It shall be unlawful for any person:

1. To practice chiropractic, use the nomenclature of chiropractic or emulate the practice objectives of chiropractic care, including, but not limited to, the adjustment of subluxation, as outlined by the chiropractic scope of practice, without holding a license issued by the Board. Practicing or offering to practice chiropractic, or the public representation of being qualified to practice the same by any person not authorized to practice chiropractic shall be sufficient evidence of a violation of law.

2. To impersonate a licensed chiropractor of like or different name.

3. To buy or sell or fraudulently obtain a diploma or license.

4. To do any act for which if he were a chiropractor his license could be revoked as provided by this chapter.

B. An application for a license to practice chiropractic shall be made in writing and shall be accompanied by satisfactory proof that the applicant has graduated and received a Doctor of Chiropractic degree from a school of chiropractic accredited by an agency recognized by the U.S. Department of Education or another agency recognized by the Board.

305 C. The Board shall set the necessary standards to be attained in chiropractic examinations it  
306 stipulates to receive a license to practice chiropractic.

307 § 54.1-2609. Issuance of license; fee; renewal.

308 A. Every candidate successfully completing the requirements shall be licensed by the Board as  
309 possessing the qualifications required by law to practice chiropractic.

310 B. The fee for examination and licensure shall be prescribed by the Board and shall be paid to the  
311 appropriate state agency.

312 C. Every license to practice chiropractic granted under the provisions of this chapter shall be  
313 renewed at such time, in such manner, and upon payment of such fees as the Board may prescribe.

314 § 54.1-2610. Refusal, revocation, or suspension of licenses; unprofessional conduct.

315 A. The Board may refuse, revoke or suspend a license or reprimand the licensee for any of the  
316 following causes. In all such cases, the burden of proof shall be on the Board to prove the violation  
317 beyond a reasonable doubt, and any action shall be by a simple majority vote.

318 1. Conviction of any felony under the laws of the Commonwealth, another state, the District of  
319 Columbia, or any United States possession or territory, or of any misdemeanor under such laws  
320 involving moral turpitude.

321 2. Use of alcohol or drugs to the extent such use renders him unsafe to practice chiropractic or  
322 mental or physical illness rendering him unsafe to practice chiropractic.

323 3. Knowingly and willfully employing an unlicensed person to anything for which a license to  
324 practice chiropractic is required.

325 4. Neglecting or refusing to display his license and the renewal receipt for the current year.

326 5. Use of advertising that is false or misleading, including advertising material in any form intended  
327 for the public that promises a cure or guarantees something that cannot be delivered.

328 6. Promising a cure or asserting a false claim of superiority.

329 7. Employing, procuring, or inducing a person not licensed to practice chiropractic to so practice.

330 8. Aiding or abetting in the practice of chiropractic any person not duly licensed to practice in this  
331 Commonwealth.

332 9. Violating other standards of conduct as adopted by the Board.

333 10. Violating, assisting, inducing or cooperating with others in violating any provisions of law  
334 relating to the practice of chiropractic, including provisions of this chapter or of any regulation of the  
335 Board.

336 11. Claiming false or misleading credentials or specialty.

337 12. Engaging in sexual contact with a patient concurrent with and by virtue of the  
338 practitioner/patient relationship or otherwise engaging at any time during the course of the  
339 practitioner/patient relationship in conduct of a sexual nature that a reasonable patient would consider  
340 lewd and offensive.

341 B. Nothing herein shall authorize the Board to refuse, revoke, or suspend any license or to take any  
342 disciplinary action against a licensed chiropractor for the use of modes of practice that have been  
343 taught by schools of chiropractic accredited by an agency recognized by the U.S. Department of  
344 Education and within the scope of practice.

345 C. The Board may direct any licensee under a disciplinary order to furnish it at such intervals as it  
346 may require evidence that he is not practicing his profession in violation of this chapter. In addition,  
347 when the Board has probable cause to believe that the licensee is unable to practice with reasonable  
348 skill and safety to patients because of excessive use of alcohol or drugs or physical or mental illness,  
349 the Board, after preliminary investigation by informal conference, may direct that the licensee submit to  
350 a mental or physical examination by practitioners designated by the Board. Failure of the licensee to  
351 submit to the examination shall constitute grounds for disciplinary action. Any licensee affected by this  
352 section shall be afforded reasonable opportunity to demonstrate that he is competent to practice  
353 chiropractic with reasonable skill and safety to patients.

354 § 54.1-2611. Continuing education.

355 The Board shall ensure that those doctors licensed to practice chiropractic shall complete regular  
356 continuing education requirements in order to maintain licensure. Doctors of Chiropractic must  
357 complete twenty-four hours of classroom-style chiropractic education annually from any chiropractic  
358 continuing education courses offered by the postgraduate division of a chiropractic college accredited  
359 by an agency recognized by the U.S. Department of Education.

360 § 54.1-2612. Immunity of board members.

361 The members of the Board of Chiropractic shall be immune, individually and jointly, from any claim,  
362 suit, liability, damages, or any other recourse, civil or criminal, arising from an act or acts performed  
363 in good faith by any such members of the Board acting individually or jointly in carrying out the  
364 responsibilities and authority, duties, powers, and privileges of a member of the Board under the  
365 provisions of this chapter.

366 § 54.1-2613. Contracts of chiropractors with approved colleges and certain state agencies not

prohibited.

*Nothing in this chapter shall be construed to prohibit, forbid or prevent (i) any approved school of chiropractic from contracting with any licensed chiropractor to teach or participate in a preceptorship program in such college on such terms of compensation as may be mutually satisfactory, which contract may prescribe the extent, if any, to which the chiropractor may engage in private practice, or (ii) any institution, hospital, treatment center, sanatorium, or other similar agency under the management and control of an agency of the Commonwealth from employing or contracting with any licensed chiropractor to furnish professional services in the work of the agency, or to persons entitled to receive such care from the agency.*

§ 54.1-2900. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Acupuncturist" means individuals approved by the Board to practice acupuncture. This is limited to "licensed acupuncturist" which means an individual other than a doctor of medicine, osteopathy, chiropractic or podiatry who has successfully completed the requirements for licensure established by the Board (approved titles are limited to: Licensed Acupuncturist, Lic.Ac., and L.Ac.)

"Auricular acupuncture" means the subcutaneous insertion of sterile, disposable acupuncture needles in predetermined, bilateral locations in the outer ear when used exclusively and specifically in the context of a chemical dependency treatment program.

"Board" means the Board of Medicine.

"Healing arts" means the arts and sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities.

"Physician assistant" means an individual who has met the requirements of the Board for licensure and who works under the supervision of a licensed doctor of medicine, osteopathy, or podiatry.

"Practice of acupuncture" means the stimulation of certain points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain ailments or conditions of the body and includes the techniques of electroacupuncture, cupping and moxibustion. The practice of acupuncture does not include the use of physical therapy, chiropractic, or osteopathic manipulative techniques; the use or prescribing of any drugs, medications, serums or vaccines; or the procedure of auricular acupuncture as exempted in § 54.1-2901 when used in the context of a chemical dependency treatment program for patients eligible for federal, state or local public funds by an employee of the program who is trained and approved by the National Acupuncture Detoxification Association or an equivalent certifying body.

"Practice of athletic training" means the prevention, recognition, evaluation, and treatment of injuries or conditions related to athletic or recreational activity that requires physical skill and utilizes strength, power, endurance, speed, flexibility, range of motion or agility or a substantially similar injury or condition resulting from occupational activity immediately upon the onset of such injury or condition; and subsequent treatment and rehabilitation of such injuries or conditions under the direction of a licensed physical therapist and the patient's physician or under the direction of any doctor of medicine, osteopathy, chiropractic, podiatry, or dentistry, while using heat, light, sound, cold, electricity, exercise or mechanical or other devices.

~~"Practice of chiropractic" means the adjustment of the twenty-four movable vertebrae of the spinal column, and assisting nature for the purpose of normalizing the transmission of nerve energy, but does not include the use of surgery, obstetrics, osteopathy or the administration or prescribing of any drugs, medicines, serums or vaccines.~~

"Practice of medicine or osteopathic medicine" means the prevention, diagnosis and treatment of human physical or mental ailments, conditions, diseases, pain or infirmities by any means or method.

"Practice of occupational therapy" means the evaluation, analysis, assessment, and delivery of education and training in activities of daily living (ADL); the design, fabrication, and application of orthoses (splints); guidance in the selection and use of adaptive equipment; therapeutic activities to enhance functional performance; prevocational evaluation and training; and consultation concerning the adaptation of physical environments for individuals who have disabilities.

"Practice of podiatry" means the medical, mechanical and surgical treatment of the ailments of the human foot and ankle, but does not include amputation proximal to the metatarsal-phalangeal joints. The Board of Medicine shall determine whether a specific type of treatment of the foot and ankle is within the scope of practice of podiatry.

"Practice of radiologic technology" means the application of x-rays to human beings for diagnostic or therapeutic purposes.

"Practice of respiratory care" means the (i) administration of pharmacological, diagnostic, and therapeutic agents related to respiratory care procedures necessary to implement a treatment, disease prevention, pulmonary rehabilitative, or diagnostic regimen prescribed by a practitioner of medicine or

428 osteopathic medicine; (ii) transcription and implementation of the written or verbal orders of a  
429 practitioner of medicine or osteopathic medicine pertaining to the practice of respiratory care; (iii)  
430 observation and monitoring of signs and symptoms, general behavior, general physical response to  
431 respiratory care treatment and diagnostic testing, including determination of whether such signs,  
432 symptoms, reactions, behavior or general physical response exhibit abnormal characteristics; and (iv)  
433 implementation of respiratory care procedures, based on observed abnormalities, or appropriate reporting,  
434 referral, respiratory care protocols or changes in treatment pursuant to the written or verbal orders by a  
435 licensed practitioner of medicine or osteopathic medicine or the initiation of emergency procedures,  
436 pursuant to the Board's regulations or as otherwise authorized by law. The practice of respiratory care  
437 may be performed in any clinic, hospital, skilled nursing facility, private dwelling or other place deemed  
438 appropriate by the Board in accordance with the written or verbal order of a practitioner of medicine or  
439 osteopathic medicine, and shall be performed under qualified medical direction.

440 "Qualified medical direction" means, in the context of the practice of respiratory care, having readily  
441 accessible to the respiratory care practitioner a licensed practitioner of medicine or osteopathic medicine  
442 who has specialty training or experience in the management of acute and chronic respiratory disorders  
443 and who is responsible for the quality, safety, and appropriateness of the respiratory services provided  
444 by the respiratory care practitioner.

445 "Radiologic technologist" means an individual, other than a licensed doctor of medicine, osteopathy,  
446 podiatry, or chiropractic, or a dentist licensed pursuant to Chapter 27 (§ 54.1-2700 et seq.) of this title,  
447 who (i) performs, may be called upon to perform, or who is licensed to perform a comprehensive scope  
448 of diagnostic radiologic procedures employing equipment which emits ionizing radiation and (ii) is  
449 delegated or exercises responsibility for the operation of radiation-generating equipment, the shielding of  
450 patient and staff from unnecessary radiation, the appropriate exposure of radiographs or other procedures  
451 which contribute to any significant extent to the site or dosage of ionizing radiation to which a patient is  
452 exposed.

453 "Radiologic technologist, limited" means an individual, other than a licensed radiologic technologist,  
454 dental hygienist or person who is otherwise authorized by the Board of Dentistry under Chapter 27 of  
455 this title and the regulations pursuant thereto, who performs diagnostic radiographic procedures  
456 employing equipment which emits ionizing radiation which is limited to specific areas of the human  
457 body.

458 "Respiratory care" means the practice of the allied health profession responsible for the direct and  
459 indirect services, including inhalation therapy and respiratory therapy, in the treatment, management,  
460 diagnostic testing, control and care of patients with deficiencies and abnormalities associated with the  
461 cardiopulmonary system under qualified medical direction.

462 § 54.1-2902. Unlawful to practice without license.

463 It shall be unlawful for any person to practice medicine, osteopathic medicine, ~~chiropractic~~, podiatry,  
464 or as a physician's or podiatrist's assistant in the Commonwealth without a valid unrevoked license  
465 issued by the Board of Medicine.

466 § 54.1-2903. What constitutes practice.

467 Any person shall be regarded as practicing the healing arts who actually engages in such practice as  
468 defined in this chapter, or who opens an office for such purpose, or who advertises or announces to the  
469 public in any manner a readiness to practice or who uses in connection with his name the words or  
470 letters "Doctor," "Dr.," "M.D.," "D.O.," "D.P.M.," ~~"D.C.,"~~ "Healer," or any other title, word, letter or  
471 designation intending to designate or imply that he is a practitioner of the healing arts or that he is able  
472 to heal, cure or relieve those suffering from any injury, deformity or disease. No person regulated under  
473 this chapter shall use the title "Doctor" or the abbreviation "Dr." in writing or in advertising in  
474 connection with his practice unless he simultaneously uses a clarifying title, initials, abbreviation or  
475 designation or language that identifies the type of practice for which he is licensed.

476 Signing a birth or death certificate, or signing any statement certifying that the person so signing has  
477 rendered professional service to the sick or injured, or signing or issuing a prescription for drugs or  
478 other remedial agents, shall be prima facie evidence that the person signing or issuing such writing is  
479 practicing the healing arts within the meaning of this chapter except where persons other than physicians  
480 are required to sign birth certificates.

481 § 54.1-2904. Biennial renewal of licenses; copies; fee; lapsed licenses; reinstatement; penalties.

482 A. Every license to practice medicine, osteopathy, ~~chiropractic~~, or podiatry granted under the  
483 provisions of this chapter shall be renewed biennially as prescribed by the Board. The Board shall mail  
484 an application for renewal of a license to every licensee. Failure to receive such an application shall not  
485 excuse any licensee from the requirements of renewal. The person receiving such application shall  
486 furnish the information requested and return the form to the Board with the prescribed renewal fee.  
487 Copies of licenses may be obtained as provided in the Board's regulations.

488 B. Any licensee who allows his license to lapse by failing to renew the license or failing to meet  
489 professional activity requirements stipulated in the regulations may be reinstated by the Board upon



submission of evidence satisfactory to the Board that he is prepared to resume practice in a competent manner and upon payment of the prescribed fee.

C. Any person practicing medicine, osteopathy, ~~chiropractic~~, or podiatry during the time his license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties for violation of this chapter.

§ 54.1-2908. Reports of disciplinary action against health professionals; immunity from liability.

A. The president of the Medical Society of Virginia, the Osteopathic Medical Association, ~~the Virginia Chiropractors Association, Inc.~~, and the Virginia Podiatric Medical Association shall report to the Board of Medicine any disciplinary action taken by his organization against any member of his organization licensed under this chapter if such disciplinary action is a result of conduct involving professional ethics, professional incompetence, moral turpitude, drug addiction or alcohol abuse.

B. The president of any association, society, academy or organization shall report to the Board of Medicine any disciplinary action taken against any of its members licensed under this chapter if such disciplinary action is a result of conduct involving professional ethics, professional incompetence, moral turpitude, drug addiction or alcohol abuse.

C. Any report required by this section shall be in writing directed to the Board of Medicine, shall give the name and address of the person who is the subject of the report and shall fully describe the circumstances surrounding the facts required to be reported.

D. Any person making a report required by this section or testifying in a judicial or administrative proceeding as a result of such report shall be immune from any civil liability resulting therefrom unless such person acted in bad faith or with malicious intent.

E. In the event that any organization enumerated in subsection A or any component thereof receives a complaint against one of its members, such organization may, in lieu of considering disciplinary action against such member, request that the Board investigate the matter pursuant to this chapter, in which event any person participating in the decision to make such a request or testifying in a judicial or administrative proceeding as a result of such request shall be immune from any civil liability alleged to have resulted therefrom unless such person acted in bad faith or with malicious intent.

§ 54.1-2911. Board; membership; terms of office; change of residence; executive director; etc.

The Board of Medicine shall consist of one medical physician from each congressional district, one osteopathic physician, one podiatrist, ~~one chiropractor~~, and four citizen members. No two citizen members shall reside in the same congressional district. Citizen members shall have all voting and participation rights of other members. The term of office of the members of the Board shall be four years. If any medical physician member of the Board ceases to reside in the district from which he was appointed, except by reason of redistricting, his office shall be deemed vacant.

The officers of the Board shall be a president, vice-president and a secretary, who shall also act as treasurer, who shall be members of and selected by the Board.

Regular meetings of the Board shall be held at such times and places as prescribed by the Board. Special meetings may be held upon the call of the president and any eleven members. Twelve members of the Board shall constitute a quorum.

The Board may establish an executive committee composed of the president, vice-president, the secretary and four other members of the Board appointed by the president. In the absence of the Board, the executive committee shall have full powers to take any action and conduct any business authorized by this chapter. Five members of the executive committee shall constitute a quorum. Any actions or business conducted by the executive committee shall be acted upon by the full Board as soon as practicable.

There shall be an executive director for the Board of Medicine who shall be licensed or eligible for licensure in the Commonwealth as a physician.

§ 54.1-2912. Nominations.

Nominations may be made for the medical physicians from a list of three names submitted to the Governor by the Medical Society of Virginia, the clinical psychologist from a list of three names submitted by the Virginia Academy of Clinical Psychologists, and the osteopathic physician; ~~and podiatrist and chiropractor members~~, respectively, from a list of at least three names submitted by June 1 of each year by their respective state societies. In no case shall the Governor be bound to make any appointment from among the nominees of the respective societies. The Governor may notify the society, which may make nominations, of any professional vacancy other than by expiration among the members of the Board representing the particular profession and like nominations may be made for the filling of the vacancy.

§ 54.1-2913.1. Acceptance of other examinations.

In lieu of any or all parts of the examinations prescribed by the Board for a license to practice medicine, osteopathy, ~~or podiatry or chiropractic~~, the Board may:

1. Accept a certificate issued by either the National Board for the appropriate branch of the healing

arts or a state board prior to 1970 attesting the satisfactory completion of an examination given by that board if, in the opinion of the Board, the substituted examination material is substantially equivalent to the material for which it is substituted, and the passing grades are in each instance the equivalent of the grades required to be made on the corresponding examinations administered by the Board.

2. Accept a certificate issued by a state board during or after 1970 attesting to the applicant's satisfactory completion of all requirements to practice medicine, osteopathy, ~~or podiatry or chiropractic~~ in that state, if the applicant has a current and unrestricted license to practice in another state and a current specialty certificate acceptable to the Board.

§ 54.1-2929. Licenses required.

No person shall practice or hold himself out as qualified to practice medicine, osteopathy, ~~chiropractic~~, or podiatry without obtaining a license from the Board of Medicine as provided in this chapter.

§ 54.1-2930. Requirements for admission to examination.

The Board may admit to examination for licensure to practice medicine, osteopathy, ~~chiropractic~~ and podiatry any candidate who has submitted satisfactory evidence verified by affidavits that he:

1. Is eighteen years of age or more;

2. Is of good moral character;

3. Has successfully completed all or such part as may be prescribed by the Board, of an educational course of study of that branch of the healing arts in which he desires a license to practice, which course of study and the educational institution providing that course of study are acceptable to the Board; and

4. Has completed one year of satisfactory postgraduate training in a hospital approved by an accrediting agency recognized by the Board for internships or residency training. At the discretion of the Board, the postgraduate training may be waived if an applicant for licensure in podiatry has been in active practice for four continuous years while serving in the military and is a diplomate of the American Board of Podiatric Surgery. ~~Applicants for licensure in chiropractic need not fulfill this requirement.~~

In determining whether such course of study and institution are acceptable to it, the Board may consider the reputation of the institution and whether it is approved or accredited by regional or national educational or professional associations including, but not limited to, such organizations as the Accreditation Council of Graduate Medical Education or other official accrediting body recognized by the American Medical Association, by the Committee for the Accreditation of Canadian Medical Schools or their appropriate subsidiary agencies, by any appropriate agency of the United States government, or by any other organization approved by the Board. Supervised clinical training which is received in the United States as part of the curriculum of a foreign medical school shall be obtained in an approved hospital, institution or school of medicine offering an approved residency program in the specialty area for the relevant clinical training. The Board may also consider any other factors that reflect whether that institution and its course of instruction provide training sufficient to prepare practitioners to practice their branch of the healing arts with competency and safety in the Commonwealth.

§ 54.1-2931. Examinations; passing grade.

A. The examination of candidates for licensure to practice medicine and osteopathy shall be the Federation Licensing Examination, the joint Licensure Examination Sequence prepared by the National Board of Medical Examiners and the Federation of State Medical Boards, or such other examinations as determined by the Board. The minimum passing score shall be determined by the Board prior to administration of the examination.

~~B. The examination of candidates for licensure to practice chiropractic shall include the National Board of Chiropractic Examiners Examinations and such other examinations as determined by the Board. The minimum passing score shall be determined by the Board prior to administration of the examination.~~

C. The examination of candidates for licensure to practice podiatry shall be the National Board of Podiatry Examiners Examinations and such other examinations as determined by the Board. The minimum passing score shall be determined by the Board prior to administration of the examination.

§ 54.1-2932. Issuance of licenses to practice.

Upon completion of satisfactory examinations under the Board regulations, applicants shall be granted licenses to practice medicine, osteopathy, ~~chiropractic~~, or podiatry and each license shall show plainly on its face the school or branch of the healing arts in which the holder thereof is permitted to practice. All licenses shall be attested by the signature of the president and secretary of the Board, respectively.

§ 54.1-2937. Temporary licenses to interns and residents in hospitals and other organizations.

Upon recommendation by the chief of an approved internship or residency program as defined in this chapter, the Board may issue a temporary annual license to practice medicine, osteopathic medicine, ~~or~~ podiatry ~~or chiropractic~~ to interns and residents in such programs. No such license shall be issued to an intern or resident who has not completed successfully the preliminary academic education required for

admission to examinations given by the Board in his particular field of practice. Such license shall expire upon the holder's withdrawal or termination from the internship or residency program. The Board may prescribe such regulations not in conflict with existing law and require such reports from hospitals or other organizations operating an approved graduate medical education program in the Commonwealth as may be necessary to carry out the provisions of this section.

§ 54.1-2941. Contracts of practitioners with approved colleges and certain state agencies not prohibited.

This chapter shall not be construed to prohibit, forbid or prevent (i) any approved school of medicine, osteopathy, *or* podiatry ~~or chiropractic~~ from contracting with any licensed practitioner to teach or participate in a preceptorship program in such college on such terms of compensation as may be mutually satisfactory, which contract may prescribe the extent, if any, to which the practitioner may engage in private practice, or (ii) any institution, hospital, treatment center, sanatorium or other similar agency under the management and control of an agency of the Commonwealth from employing or contracting with any licensed practitioner to furnish professional services in the work of the agency, or to persons entitled to receive such care from the agency.

§ 54.1-3513. Restriction of practice; use of titles.

A. No person, other than a person licensed by the Boards of Counseling; Medicine; Nursing; *Chiropractic*; Optometry; Psychology; or Social Work, shall hold himself out as a provider of rehabilitation services or use the title "rehabilitation provider" or a similar title or any abbreviation thereof unless he holds a valid certificate under this article.

B. This section shall not apply to employees or independent contractors of the Commonwealth's agencies and sheltered workshops providing vocational rehabilitation services, provided such employees or independent contractors are not providing vocational rehabilitation services under § 65.2-603.

§ 65.2-312. False statements, representations, etc., in connection with an award; penalties.

A. It shall be unlawful for any person to knowingly make, file or use any writing or document knowing the same to contain any materially false, fictitious or fraudulent statement or entry in connection with an award under this title. It shall also be unlawful for any person to aid or abet another in a violation of this section.

B. A violation of this section shall be punishable as a Class 6 felony.

C. Any person convicted of a violation of this section who is licensed to practice *chiropractic as defined in § 54.1-2604*, to practice any of the healing arts as defined in § 54.1-2900 or to practice law pursuant to Chapter 39 (§ 54.1-3900 et seq.) of Title 54.1, and who committed the violation while engaged in such practice, may have such license suspended or revoked in accordance with the provisions of Chapter 26.1 (§ 54.1-2604 et seq.), Chapter 29 (§ 54.1-2900 et seq.) and Chapter 39 (§ 54.1-3900 et seq.) of Title 54.1, respectively.

D. Venue for the prosecution of a violation of this section shall lie in the county or city wherein the injury occurred.

§ 65.2-603. Duty to furnish medical attention, etc., and vocational rehabilitation; effect of refusal of employee to accept.

A. 1. As long as necessary after an accident, the employer shall furnish or cause to be furnished, free of charge to the injured employee, a physician chosen by the injured employee from a panel of at least three physicians selected by the employer and such other necessary medical attention. Where such accident results in the amputation or loss of use of an arm, hand, leg, or foot or the enucleation of an eye or the loss of any natural teeth or loss of hearing, the employer shall furnish prosthetic or orthotic appliances, as well as wheelchairs, walkers, canes, or crutches, proper fitting and maintenance thereof, and training in the use thereof, as the nature of the injury may require. In awards entered for incapacity for work, under this title, upon determination by the treating physician and the Commission that the same is medically necessary, the Commission may require that the employer furnish and maintain bedside lifts, adjustable beds, and modification of the employee's principal home consisting of ramps, handrails, or any appliances prescribed by the treating physician and doorway alterations, provided that the aggregate cost of all such items and modifications required to be furnished on account of any one accident shall not exceed \$25,000. The employee shall accept the attending physician, unless otherwise ordered by the Commission, and in addition, such surgical and hospital service and supplies as may be deemed necessary by the attending physician or the Commission.

2. The employer shall repair, if repairable, or replace dentures, artificial limbs, or other prosthetic or orthotic devices damaged in an accident otherwise compensable under workers' compensation, and furnish proper fitting thereof.

3. The employer shall also furnish or cause to be furnished, at the direction of the Commission, reasonable and necessary vocational rehabilitation services; however, the employer shall not be required to furnish, or cause to be furnished, services under this subdivision to any injured employee not eligible for lawful employment. Vocational rehabilitation services may include vocational evaluation, counseling,

674 job coaching, job development, job placement, on-the-job training, education, and retraining. Those  
675 vocational rehabilitation services that involve the exercise of professional judgment as defined in  
676 § 54.1-3510 shall be provided by a certified rehabilitation provider as provided in Article 2 (§ 54.1-3510  
677 et seq.) of Chapter 35 of Title 54.1 or by a person licensed by the Boards of *Chiropractic*, Counseling;  
678 Medicine; Nursing; Optometry; Psychology; or Social Work. In the event a dispute arises, any party  
679 may request a hearing and seek the approval of the Commission for the proposed services. Such services  
680 shall take into account the employee's preinjury job and wage classifications; his age, aptitude, and level  
681 of education; the likelihood of success in the new vocation; and the relative costs and benefits to be  
682 derived from such services.

683 B. The unjustified refusal of the employee to accept such medical service or vocational rehabilitation  
684 services when provided by the employer shall bar the employee from further compensation until such  
685 refusal ceases and no compensation shall at any time be paid for the period of suspension unless, in the  
686 opinion of the Commission, the circumstances justified the refusal. In any such case the Commission  
687 may order a change in the medical or hospital service or vocational rehabilitation services.

688 C. If in an emergency or on account of the employer's failure to provide the medical care during the  
689 period herein specified, or for other good reasons, a physician other than provided by the employer is  
690 called to treat the injured employee, during such period, the reasonable cost of such service shall be paid  
691 by the employer if ordered so to do by the Commission.

692 D. As used in this section and in § 65.2-604, the terms "medical attention," "medical service,"  
693 "medical care," and "medical report" shall be deemed to include chiropractic service or treatment and,  
694 where appropriate, a chiropractic treatment report.

695 E. Whenever an employer furnishes an employee the names of three physicians pursuant to this  
696 section, and the employer also assumes all or part of the cost of providing health care coverage for the  
697 employee as a self-insured or under a group health insurance policy, health services plan or health care  
698 plan, upon the request of an employee, the employer shall also inform the employee whether each  
699 physician named is eligible to receive payment under the employee's health care coverage provided by  
700 the employer.

701 F. If the injured employee has an injury which may be treated within the scope of practice for a  
702 chiropractor, then the employer or insurer may include chiropractors on the panel provided the injured  
703 employee.

704 **2. That individuals licensed to practice chiropractic by the Board of Medicine prior to the effective**  
705 **date of the provisions of this act shall be licensed as chiropractors by the Board of Chiropractic.**  
706 **Any license issued prior to the effective date of this act shall remain in full force and effect except**  
707 **that the holders of every such license shall be subject to all of the provisions of this act for the**  
708 **continuance of such license upon renewal.**

709 **3. That all records and funds of the Board of Medicine dealing with licensing of chiropractors**  
710 **shall be transferred to the Board of Chiropractic as determined by the Director of the Department**  
711 **of Health Professions.**

712 **4. That regulations regarding licensure of chiropractors that were promulgated by the Board of**  
713 **Medicine and in effect on the effective date of this act shall continue in full force and effect unless**  
714 **and until amended or repealed by the Board of Chiropractic. Regulatory actions validly**  
715 **commenced by the Board of Medicine that are pending prior to the effective date of this act shall**  
716 **remain in effect until amended or rescinded by the Board of Chiropractic.**

717 **5. That the Board of Chiropractic shall promulgate regulations to implement the provisions of this**  
718 **act to be effective within 280 days of its enactment.**