

By: Goolsby

H.B. No. 1266

A BILL TO BE ENTITLED

AN ACT

relating to the training required for a health care professional to safely perform spinal manipulation; providing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter G, Chapter 201, Occupations Code, is amended by adding Section 201.3035 to read as follows:

Sec. 201.3035. REQUIREMENTS TO PERFORM SPINAL MANIPULATION OR ADJUSTMENT. (a) In this section:

(1) "License as a health care provider" has the meaning assigned by Section 201.606.

(2) "Spinal manipulation or adjustment" means the use by a person of direct thrust or leverage to move a joint of a patient's spine beyond its normal range of motion, but without exceeding the limits of anatomical integrity.

(b) A person may not perform spinal manipulation or adjustment unless the person has the legal authority to differentially diagnose and has received:

(1) at least 400 hours of classroom instruction in spinal manipulation or adjustment; and

(2) at least 800 hours of supervised clinical training at an institution or facility in which spinal manipulation or adjustment is the primary method of patient treatment.

(c) The requirements of Subsection (b) are in addition to the other requirements for a license under this subchapter. A

1 person who violates this section engages in the unlawful practice
2 of chiropractic and is subject to disciplinary action under
3 Subchapter K.

4 (d) A person who holds a license as a health care provider,
5 other than a license under this chapter, may not perform spinal
6 manipulation or adjustment unless the person meets the requirements
7 of Subsection (b) and the performance of spinal manipulation or
8 adjustment is within the scope of practice under the person's
9 license. A person subject to this subsection who violates this
10 section engages in the unlawful practice of the profession for
11 which the person is licensed and is subject to disciplinary action
12 as provided by the law governing the person's license.

13 (e) This section does not restrict the practice of medicine
14 by a physician licensed under Subtitle B.

15 SECTION 2. Section 201.604, Occupations Code, is amended
16 to read as follows:

17 Sec. 201.604. GENERAL CRIMINAL PENALTY. Except as
18 provided by Sections [~~Section~~] 201.605 and 201.606, a person
19 commits an offense if the person violates this chapter. An offense
20 under this section is a misdemeanor punishable by a fine of not less
21 than \$50 or more than \$500 or by confinement in the county jail for
22 not more than 30 days.

23 SECTION 3. Subchapter M, Chapter 201, Occupations Code, is
24 amended by adding Section 201.606 to read as follows:

25 Sec. 201.606. CRIMINAL PENALTY: PERFORMANCE OF SPINAL
26 MANIPULATION WITHOUT LICENSE. (a) In this section, "license as a
27 health care provider" means a license, certificate, registration,

1 permit, or other form of authorization issued under this title.

2 (b) A person commits an offense if the person violates
3 Section 201.3035 and the person does not hold a license as a health
4 care provider.

5 (c) An offense under this section is a felony of the third
6 degree.

7 SECTION 4. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2003.